

The Summer Food Service Program

Food That's In When School is Out!

2010 Administrative Guidance for Sponsors



United States Department of Agriculture
Food and Nutrition Service

For your reading ease, changes from last year's edition are highlighted. In addition, throughout the text, references have been made to numbered and unnumbered policies issued by the Food and Nutrition Service national office. The numbering system may differ from your State agency or Regional Office.

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INTRODUCTION

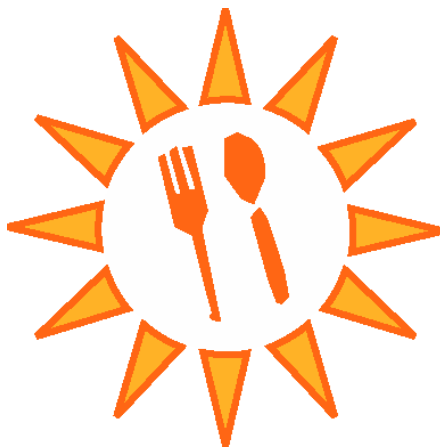
The Summer Food Service Program (SFSP) was established to ensure that low-income children continue to receive nutritious meals when school is not in session. Free meals, that meet Federal nutrition guidelines, are provided to all children at approved SFSP sites in areas with significant concentrations of low-income children.

The SFSP operates during school vacations, primarily in the summer months – from May through September. It also may provide meals during vacation breaks where schools are operated on a year-round basis or a continuous school calendar, or during emergency school closures from October through April.

Who Administers The Program?

The U.S. Department of Agriculture's (USDA) Food and Nutrition Service (FNS) administers the SFSP at the national level. Within each State, the Program is administered by the State department of education, an alternate State-designated agency, or the appropriate FNS Regional Office.

Locally, public or private non-profit organizations that want to “sponsor” the Program apply and are approved by the State agency to operate the Program. These sponsoring organizations sign Program agreements with their State agency and are responsible for overseeing Program operations. Sponsors receive Federal reimbursement from the State agency to cover the administrative and operating costs of preparing and serving meals to eligible children at one or more feeding sites.



ABOUT THIS GUIDANCE

This publication provides information for staff of all local organizations that participate or plan to participate as SFSP sponsors. It consists of the following parts:

- PAGES 11 – 57** **PLANNING THE PROGRAM** provides information to help guide potential sponsors through the early stages of program planning. This part includes information on eligibility requirements for sponsors, sites, and participants; evaluating and selecting feeding sites; determining the type of meal service to offer; staffing needs; and applying to operate the SFSP.
- PAGES 58 - 89** **ADMINISTERING THE PROGRAM** outlines the administrative responsibilities of a sponsor in the areas of training, monitoring, civil rights, program payments, recordkeeping, reviews, and evaluations.
- PAGES 90 - 106** **FOOD SERVICE MANAGEMENT COMPANIES** discusses how a sponsor can contract with a food service management company, a commercial for-profit company, a school or a private non-profit organization to obtain meals. This part includes information on the responsibilities of the sponsor and food service management companies in relation to the food service operations at feeding sites.
- ATTACHMENT SECTION** provides sample copies of forms, worksheets, Federal guidance (SFSP regulation definitions and listings of USDA regulations, Office of Management and Budget (OMB) Circulars, FNS Instructions, and numbered and unnumbered policies), and other reference materials that may be helpful to sponsors in administering the program.

General information specific to Wisconsin will be in bold and italic.

SUMMER 2010

FNS and State agencies are engaged in a continued effort to increase participation in the SFSP. Did you know that the SFSP is one of the most needed but underutilized Federal nutrition assistance programs? Although 18.5 million eligible children received free or reduced-price school meals during fiscal year 2008, only 2.1 million participated in the SFSP, and an additional 1.4 million participated in the National School Lunch Program (NSLP) during the summer months. That's only 3.5 million eligible children receiving meals during the summer months. There are many hungry children that we need to reach with this program!

As an organization interested in administering the SFSP, you are the link that translates this Federal benefit into meals for children. If you are new to the program, please consider participating as a site or a sponsor in this important mission. If you are a returning sponsor, please consider adding sites and activities that will help draw children to your existing program.



PART I – PLANNING THE PROGRAM

Chapter 1 – Eligibility

In this chapter, you will find information on:

- how to determine the eligibility of a child
- how to determine the eligibility of a sponsor
- the different kinds of Summer Food Service Program (SFSP) sites

Participant Eligibility

(7 CFR 225.2 Definitions, Tab 1, Attachment 1)

Children age 18 and under may receive meals through SFSP. A person 19 years of age and over who has a mental or physical disability (as determined by a State or local educational agency) and who participates during the school year in a public or private non-profit school program (established for the mentally or physically disabled) is also eligible to receive meals.

In Wisconsin, disabled persons over the age of 21 cannot enroll in a public or private school program during the regular school year and therefore would not be eligible to participate in the SFSP.

In certain circumstances, pregnant women who receive Early Head Start services are also eligible to receive meals through SFSP. To establish eligibility, prospective mothers must be enrolled in Early Head Start and be eligible to receive school meals through the NSLA or another child nutrition program.

Sponsor Eligibility

(7 CFR 225.14(b), (c), and (d))

Every potential or currently participating sponsor must meet certain requirements. These requirements are discussed below:

Types of Organizations

Only certain types of organizations can sponsor the Program. Sponsors must be:

- a public or private non-profit school food authority;
- a public or private non-profit residential camp;
- a public or private non-profit college or university participating in the National Youth Sports Program;
- a unit of local, county, municipal, State or Federal government; or
- any other type of private non-profit organization

Note: Special rules apply to private non-profit organizations. They are limited as to the location of their sites, the total number of sites they may operate, and the maximum number of participants they may serve. Private non-profit sponsors must be tax exempt under the Internal Revenue Code of 1986. Although churches must be tax-exempt, there is no Federal requirement that they provide documentation of their tax-exempt status. Therefore, churches are the only private nonprofit organizations that may be exempted from obtaining documentation of Federal tax exempt status; all other private non-profit organizations must provide documentation from the IRS of their tax-exempt status. For purposes of program participation, a church could be its integrated auxiliaries, or a convention or association of churches, synagogue, religious order, or religious organization that is an integral part of a church, and that it is engaged in carrying out the functions of a church. (IRS Publication 557, Tax-Exempt Status for Your Organization) Your State agency can provide more specific details about the participation of all private non-profit organizations.

Simplified Summer Food Program (formerly the Lugar Pilot Project)

The Fiscal Year 2008 Omnibus Appropriations Act, which was signed into law December 26, 2007, extended simplified cost accounting procedures commonly known as the “Simplified” Summer Food Service Program to all sponsors in all States nationwide.

Under these procedures:

- Sponsors do not have to report their costs to the State agency, although they must maintain records for the State agency’s review;
- Costs do not have to be categorized as “operational” or “administrative;”
- Reimbursement is based on “meals times rates;”
- Sponsors must continue to maintain and document a nonprofit food service for children as required by the law; and
- Sponsors must use SFSP funds only for allowable costs, as defined in the SFSP regulations and applicable FNS Instructions.

Please see Tab 1: Program Basics, Attachment 4: Simplified Summer Food Service Program Q & A.

Sponsor Responsibilities

Sponsors must:

Demonstrate Financial and Administrative Capability: Potential and returning sponsors are required to demonstrate that they have the necessary financial and administrative capability to comply with Program requirements. They must accept final financial and administrative responsibility for all of their sites.

Not Have Been Declared Seriously Deficient: To be approved, applicants must not have been declared seriously deficient in operating any Federal Child Nutrition Program in previous years.

Serve Low-Income Children: Sponsors must agree to provide regularly scheduled meal service for children in designated low-income areas (called “areas in which poor economic conditions exist”) or they must agree to serve low-income children. Camps do not need to meet this criterion.

Conduct a Nonprofit Food Service: Sponsors must conduct food services through SFSP that are not for profit. A sponsor is operating a nonprofit food service if the food service operations conducted by the institution are principally for the benefit of participating children and all of the program reimbursement funds are used solely for the operation or improvement of such food service. This does not mean the program must break even or operate at a loss, but that all income must be used for the sole purpose of operating a nonprofit food service.

Provide Year-Round Service: Sponsors must provide a year-round public service to the area in which they intend to provide the SFSP. State agencies may grant exceptions to this year-round service requirement for sponsors of residential camps, migrant sites and in certain other limited circumstances.

Exercise Management Control Over Sites: New applicants and returning sponsors (not exempted by the State agency) must demonstrate in their application that they will exercise management control over the meal service at all of their sites. Management control of the meal service means that the sponsor is responsible for maintaining contact with meal service staff, ensuring that there is adequately trained meal service staff on site, and monitoring site operations throughout the period of program participation. At their discretion, State agencies also may require experienced sponsors to demonstrate in their application that they will exercise management control over the meal service at all of their sites.

Management responsibilities cannot be delegated below the sponsor level. The quality of the meal service, the conduct of site personnel, and the adequacy of recordkeeping reflect directly upon the sponsor's performance. This performance is subject to audit by the State agency, by the USDA Office of the Inspector General, and by the Government Accountability Office.

Conduct Pre-Operational Visits: Sponsors must certify that all new and problem sites have been visited and are capable of providing meal service for the number of children as planned.

Sign Written Agreements: Approved sponsors must sign a written agreement with the State agency.

Note: Certain sponsor types will have to provide more specific information to be approved (7 CFR 225.14(d)). Interested organizations should consult the State agency for more detailed information. Attachment 8 contains a chart that compares the Federal application requirements for new (first-time) sponsors and experienced returning sponsors.

Site Eligibility (7 CFR 225.6(c)(2) and (3))

Sponsors may operate the SFSP at one or more sites, which are the actual locations where meals are served and children eat in a supervised setting. Eligible sites are those that serve children in low-income areas or those that serve specific groups of low-income children. Sponsors must provide documentation that proposed sites meet the income eligibility criteria required by law. There are three common types of sites: open sites, camps (residential and nonresidential), and closed enrolled sites.

There are also sites that serve special populations of children or have unique characteristics. These include, but may not be limited to: restricted open sites, migrant sites, and National Youth Sports Program (NYSP) sites. In the following section, we describe these types of sites and discuss how sponsors can document their eligibility. See Attachment 6 for a summary of site descriptions and ways to document site eligibility.

Open Sites (7 CFR 225.2 definitions, Tab 1, Attachment 1)

Most sponsors establish site eligibility on “need and openness.” If a site is located in a needy area (where 50 percent or more of the children residing in the area are eligible for free or reduced-price school meals) and meals are made available to all children in the area on a first-come, first-serve basis, these sites are considered open. Sponsors of open sites must take the necessary steps to allow meal service access to all children residing in the area served by the site. Information regarding the meal service at open sites must be publicized in the community served. See below for information on how to document that a site is eligible to be open.

Restricted Open Sites (7 CFR 225.2 definitions, Tab 1, Attachment 1)

On occasion, a sponsor that would normally operate an open site – meaning initially open to broad community participation – must restrict or limit the feeding site’s attendance for reasons of space, security, safety, or control. In recognition of these circumstances, these types of sites operate

as restricted open sites. The sponsors must make known publicly that the site is open on a first-come, first-serve basis to all children of the community at large, but that the meal service will be limited as stated above.

In addition, some sites may be located outside of an area eligible neighborhood school and children are transported or bussed to those restricted sites. For example, a site could be located outside the city in a non-needy area; and the children from the city, who are eligible based on school enrollment or census data, are bussed to the site in the non-needy location without cost to the children.

Both open and restricted open sites must serve children who reside in geographical areas where 50 percent or more of the children residing in the area are eligible for free or reduced-price school meals. This percentage must be documented by data provided by public and non-profit private school officials, census data, welfare or education agencies, zoning commissions, or other appropriate sources.

NOTE: To qualify as a *restricted open site*, the site must:

- Draw children exclusively from eligible areas;
- Be open to broad community participation from eligible areas: the only limits that can be imposed on participation are daily limits for reasons of security, safety, or control;
- Not charge a fee for children to attend; and
- Not allow children from a surrounding non-needy area to attend.

Camps (7 CFR 225.2 definitions, Tab 1, Attachment 1)

Camps can be residential or nonresidential day camps which offer regularly scheduled food service as part of an organized program for enrolled children. In residential camps, participants spend the duration of the organized program in a 24-hour supervised care setting and receive a regularly scheduled food service as part of the program. Sponsors of nonresidential camp sites must offer a continuous schedule of organized cultural or recreational programs for enrolled children between meal services. Unlike open, restricted open and closed enrolled sites, sponsors of both residential and nonresidential camps do not have to establish area eligibility. However, they must collect and maintain individual income eligibility forms. Camps are reimbursed only for those enrolled children who meet the free and/or reduced price eligibility standards.

Closed Enrolled Site (7 CFR 225.2 definitions, Tab 1, Attachment 1)

Closed enrolled sites are usually established where:

- an identified group of needy children live in a "pocket of poverty;"

- identified low-income children are transported to a congregate meal site located in an area with less than 50 percent eligible children; or
- a program provides recreational, cultural, religious, or other types of organized activities for a specific group of children.

These types of sites are open only to enrolled children or to an identified group of children, as opposed to the community at large. Closed enrolled sites must also establish the individual income eligibility of the children attending the site by collecting income eligibility forms. At least 50 percent of the enrolled children at the site must be eligible for free or reduced-price school.

Instead of determining the individual income eligibility of each enrolled child, a site may document its status as a closed enrolled site by using area eligibility information, as described in the next section. This may only be used if the site is serving children that live in the area in which the site is located. (SFSP Policy; Closed Enrolled Sites, November 17, 2002).

The site information sheet that sponsors submit to the State with an application to participate in the SFSP must include the projected number of children eligible for free or reduced-price school meals and the projected total enrollment for each site. If site eligibility is based on individual eligibility forms, the State agency must carefully monitor actual participation during the early program visits to ensure that the 50 percent level is actually reached. (Refer to the Household Size-Income Scale, Tab 2, Attachment 10).

Accredited summer schools do not qualify as closed enrolled sites and should obtain reimbursement for meals under the NSLP. In addition, residential and non-residential camps may not use area eligibility to establish site eligibility.

Documenting Site Eligibility

Documenting Area Eligibility for Open or Restricted Open Site

The two primary sources of data that may be used to determine whether the area that will be served is eligible are school data or census data.

A. School Data: Generally, sponsors will find it most helpful to directly contact their local school district in order to obtain the current year's free and reduced-price data to document the need of the area they wish to serve. This data should be based on the percentage of children in the area that are certified *eligible* for free or reduced-price school meals, not the actual school meal participation rates. In most cases, current-year school data provide the most accurate representation of an area's current economic circumstances.

The local public school district and non-profit private schools serving the area in which a sponsor intends to offer the SFSP may provide sponsors with the number of children who are eligible for free or reduced-price school meals and the total enrollment(s) of the school(s). Sponsors may use data from nearby elementary, middle, or high schools to qualify sites.

As part of the application process, the sponsor must submit the following information to the State agency to substantiate eligibility for each site they intend to serve:

- the names of the public and non-profit private schools used to establish eligibility;
- the number (but not names) of all children eligible for free or reduced-price meals who are enrolled in those schools; and
- the total number of children enrolled in those schools.

The State agency will determine the eligibility of each proposed site located in the area based on the data submitted by the sponsor. Since the local school or district offices must certify that the data is accurate, sponsors should ask local schools or districts to provide the necessary figures on school or district stationery, with the signature of an authorized school official.

Bussing based on school attendance: In certain situations, children in public school systems are routinely “bussed” from their neighborhood school to schools outside the attendance area of their neighborhood school. Therefore, bussing may cause a site located in an area in which poor economic conditions exist to be designated as ineligible based on enrollment data that has been adjusted to reflect student reassignment. This situation may occur in any program in which site eligibility is based on the percentage of children eligible for free or reduced-price meals in the NSLP.

In this scenario, program sponsors may determine site eligibility based on the eligibility data of either:

- the school the children attend and are being bused to, or
- the school the children would have attended were it not for the school’s busing policy--the neighborhood school where the children live (SFSP Policy; Effects of Bussing on Area Eligibility, May 20, 2003).

B. Census Data: Sponsors also may document the area eligibility of their proposed open or restricted open sites on the basis of census data. However, sponsors are encouraged to use school data rather than census data because it is usually more current, and more accurately represents current neighborhood economic conditions.

There may be certain circumstances that warrant the use of census data to establish area eligibility even when current-year local school data is available. Some of these circumstances include:

- The potential site is located in a rural area, where geographically large elementary school attendance areas obscure localized “pockets of poverty,” which can be identified through the use of Census Block Group (CBG) data.
- Available current-year school data shows an area to be close to, but under, the 50 percent threshold, and the CBG data may reveal specific portions of the school's attendance area that are SFSP eligible.
- Mandatory busing has affected the percentage of children in the neighborhood schools who are eligible for free and reduced-price meals, and the school is unable to “factor out” the pupils bused in from other areas and provide the sponsor with data on the percentage of free and reduced-price eligible children living in the school's immediate neighborhood.

In any of these circumstances, use of the local CBG data contained in the computerized special tabulation may help the State agency assist sponsors to more precisely document the area eligibility of their proposed sites.

Upon conclusion of the data collection efforts for the 2000 decennial census, the Census Bureau was asked to provide FNS with a special tabulation of population data using specific SFSP criteria. The criteria included the 2000 income eligibility guidelines, the total number of children 18 years or younger within a CBG, and, of those children, the total number at or below 185 percent of poverty. The Census Bureau also calculated the percentage of children 18 years or younger at or below 185 percent of poverty compared to the total number of children 18 years or younger. One of the more critical pieces of information in the census data is the calculated percentage. The increased level of detail available using CBG data can help to more clearly identify the “pockets of poverty” as the National School Lunch Act intended. Sponsors wishing to use census data to determine site eligibility should request assistance and specific step-by-step guidance from their State agency.

Documenting Camp Site Eligibility

Sponsors that operate residential summer camps and nonresidential day camps offering both organized programming and a regularly scheduled food service may participate in the SFSP. Nonresidential day camps may participate only as sites under eligible sponsoring organizations.

Unlike other types of sites, camps do not have to establish income eligibility at the 50 percent level. Instead, camps are reimbursed only for



meals served to children who meet the income eligibility criteria. In order to determine eligibility for children, camp sponsors must use the Household Size-Income Statement (Tab 2, Attachment 9) or rely on list(s) of income eligible children provided by the school system. Please see the discussion about income eligibility forms (Household Size-Income Statements) at the end of this chapter.

Sponsors of camps are not required to submit the approved individual eligibility forms or school lists of eligible children to the State agency. However, they must maintain the lists or original approved forms for all eligible children in separate files for each camp session, and the documents must be available for review by the State agency.

Documenting Closed Enrolled Site Eligibility

To qualify as a closed enrolled site, at least 50 percent of the enrolled children must be from households that meet the income eligibility guidelines. Sponsors can document an enrolled site's eligibility by:

- Obtaining lists by name and eligibility status of enrolled children for free and reduced-price meals from schools where the children receive school lunch or breakfast. Parental consent forms are not required in order for the local School Food Authority (SFA) to provide this information to SFSP sponsors;
- Asking the parent or guardian of each enrolled child to complete an income eligibility form. (See Attachment 10);
- Using "area" eligibility data for the location of the site, rather than using the income eligibility form to document that at least half of the enrolled children at each site are eligible for free or reduced-price meals. (This option is not available for camps.); (SFSP Policy; Closed Enrolled Sites, November 17, 2002); or
- Using census data when the site is located outside of an eligible area.

As part of the application process, sponsors of closed enrolled sites must provide the State agency with:

- a statement of how they intend to document SFSP eligibility, using one of the methods listed above;
- an estimate of the total number of children enrolled at the site; and
- an estimate of the number of children enrolled at the site that are documented as eligible for free or reduced price school meals, unless using area eligible data.

Sponsors of closed enrolled sites **that are not "area eligible"** must have the following information on file for each site:

- records of the total number of children enrolled at the site; and
- list(s) of income eligible children provided by the school system; or
- the actual eligibility forms for income eligible children.

Sponsors of closed enrolled sites that are “area eligible” should follow the guidance for documenting area eligibility for open or restricted open sites.

Household Size-Income Statement

Using the Household Size-Income Statement

The SFSP Household Size-Income Statement prototype was designed by USDA/FNS to determine the income eligibility of enrolled children for all camps (residential and non-residential) and closed enrolled sites. The information collected on the Household Size-Income Statement includes household size and income or the case number for benefits received under the Supplemental Nutrition Assistance Program (SNAP, formerly the Food Stamp Program, Temporary Assistance to Needy Families (TANF), or the Food Distribution Program on Indian Reservations (FDPIR).

The Wisconsin Household Size-Income Statement that should be used is Tab 2, Attachment 9. This form has been updated; please use the 2009 version! Any other form used to collect income information must be approved by the State Agency.

Using Head Start and Early Head Start Eligibility Forms

In some cases, sponsors can use documentation of enrolled Head Start or Early Head Start participants provided and certified by a Head Start or Early Head Start grantee to document the eligibility of the SFSP closed enrolled sites. Sponsors should contact their State agency if they have questions on the use of Head Start and Early Head Start eligibility forms for this purpose.

Workforce Investment Act Participation

Applicants that participate in the Workforce Investment Act (WIA) program are considered categorically income-eligible for the SFSP (SFSP Policy: Categorical Eligibility of Job Training Partnership Act/Workforce Investment Act Participants; May 23, 2000).

The WIA, which replaced the Job Training Partnership Act (JTPA) program in July 2000, is designed to link local labor market needs and community youth programs and service. For purposes of establishing SFSP eligibility, sponsors must obtain either:

- a signed free and reduced-price SFSP meal application with a notation that the applicant is a WIA participant; or
- a list containing the names and ages of individual WIA participants enrolled at that site and signed by a WIA official.

Military Privatized Housing

The housing allowance for military personnel living in privatized housing has been permanently excluded from consideration as income when

determining household eligibility for free or reduced-price meals. “Privatized housing” refers to the *Military Housing Privatization Initiative*, a program operating at a number of military installations. It is important to note that this income exclusion is only for service members living in housing covered under the Initiative. It is not an allowable exclusion for households living off-base in the general commercial/private real estate market (SFSP Policy: Reauthorization 2004: Implementation CN 1, July 1, 2004).

Military Combat Pay

Military combat pay has been excluded from consideration as income when determining household eligibility for free or reduced-price meals. Combat pay is defined as an additional payment made under Chapter 5 of Title 37 of the United States Code, or as otherwise designated by the Secretary to be excluded, that is received by the household member who is deployed to a designated combat zone. Combat pay is excluded if it is:

- Received in addition to the service member’s basic pay;
- Received as a result of the service member’s deployment to or service in an area that has been designated as a combat zone; **and**
- Not received by the service member prior to his/her deployment to or service in the designated combat zone. A combat zone is any area that the President of the United States designates by Executive Order as an area in which the U.S. Armed Forces are engaging or have engaged in combat.

Armed Forces FSSA

The Department of Defense provides certain members of the Armed Forces and their families a Family Subsistence Supplemental Allowance (FSSA) designed to bring a household’s income up to the Federal poverty line and decrease the reliance on SNAP for affected members and their families. The amount of the FSSA, based on household size and income may not exceed \$500 per month. Previously, the Child Nutrition Programs’ eligibility determinations counted the FSSA payment as earned income for households. In 2004, Congress established that any FSSA that a household receives must not be treated as income in determining eligibility for free and reduced-price meals under any of the Child Nutrition Programs (U.S. Armed Forces Family Supplemental Subsistence Allowance – Excluded from Income Consideration; August 30, 2005; U.S. Armed Forces Family Supplemental Subsistence Allowance – Permanently Excluded from Income Consideration for the Child Nutrition Programs; August 25, 2006).

Other Data

If sponsors are unable to document the need of their area or site(s) by using sources such as current-year school data, recent census tract or block

group data, enrollment data, or migrant children status, they should consult with their State agency about the possibility of using other types of data (e.g., local zoning data, housing authority information, economic surveys, etc.) to document site eligibility.

Also, sponsors offering the program at sites located on Indian reservations may obtain and submit statistics on the population from one of the 12 Bureau of Indian Affairs area offices.

Frequency of Site Eligibility Determinations (7 CFR 225.6(c)(3)(i)(B))

In an effort to provide consistent administration across Program lines to State Agencies and SFSP sponsoring organizations, sponsors of sites determined to be area eligible based upon school data are only required to submit documentation every five years (SFSP Policy #05-2007: Area Eligibility Duration in the Summer Food Service Program, April 20, 2007).

If a sponsor has used census data in previous years, then documentation need only be submitted when new census data is available, unless the State agency requests more recent data from another source. Sponsors using other data sources, including income eligibility forms, must document site eligibility annually.

Special Types of Sites (7 CFR 225.2 definitions, 225.6(c) (2) (i) (J), and 225.6(c)(3)(i)(D))

Migrant Sites (7 CFR 225.6(c) ((2) (i) (K))

To confirm migrant status, sponsors must submit information obtained from a migrant organization that certifies that the site serves a majority of children of migrant workers. If the site also serves non-migrant children, the sponsor must certify that the site predominantly serves migrant children. This status information must be updated annually. Contact your State agency to be put in contact with you local migrant center (SFSP Policy 04-2007; Migrant Site Eligibility Determinations, February 23, 2007).

Migrant site eligibility is based upon a determination that the site predominantly serves children of migrant workers. The sites operate like area-eligible open or restricted open sites and are reimbursed for meals served to all attending children. Migrant sites may participate in the SFSP for the duration of the Program year for which they have been approved as a migrant site. However, the determination of eligibility based upon migrant status must be updated annually.

Agencies that participate in the Migrant Education Program through DPI do not have to submit certification of eligibility. If the site serves non-migrant children, the sponsor will need to certify that it predominately serves migrant children on the SFSP application.

Continuous School Calendar / Year-Round Sites (7 CFR 225.2 Definitions)

A “continuous school calendar” is defined in the SFSP regulations as a situation in which all or part of the student body of a school is (a) on a vacation for periods of 15 continuous school days or more during October through April and (b) in attendance at regularly scheduled classes during most of May through September.

Some school districts use a calendar that provides less than 15 days for off-track periods. In these situations, State agencies may waive the 15-continuous-school-day requirement provided that the school system is operating regular class sessions (i.e., not summer school or remedial classes for a portion of the student body) on a year-round basis.

When schools operate on a year-round or continuous school calendar, the SFSP may offer meals throughout the year to preschool children and off-track students (i.e., year-round students on vacation at times other than the summer). These sites may be open or closed enrolled sites, located in the school or at other locations.

If operated as an open site at a location other than the school, the meal service must be open to the entire community and must be eligible based on school or census data. While the meal service is intended to serve off-track students, it is possible that an on-track student may show up at the site. In these situations, sponsors are not expected to identify or exclude on-track students. Sponsors should plan for or prepare for additional meals and consider adding more site staff to supervise the meal service.

If the site is operating as closed enrolled, meals may be served only to enrolled preschool children and off-track students (at least 50 percent of enrolled participants must be eligible for free or reduced price school meals).

If a year-round site is located in the school, sponsors must be careful not to “double claim” meals or claim SFSP rates for meals served to on-track students participating in the NSLP. Schools that operate both year-round SFSP and school lunch or school breakfast should establish different meal services for the year-round and on-track populations, keep separate meal counts, and develop cost allocation plans for proper proration of overhead and administrative costs between the programs.

NYSP Sites (7 CFR 225.2 definitions and 225.6(c) (2) (i) (I))

A National Youth Sports Program (NYSP) site may qualify for the program by:

- determining that 50 percent of the children enrolled reside in geographical areas where poor economic conditions exist;

- determining that 50 percent of the children enrolled meet the income eligibility guidelines for free or reduced-price school meals; or
- certifying in writing that it meets the income eligibility guidelines of the Department of Health and Human Services (DHHS), which is the primary grantor for NYSP (SFSP Policy 13-1999; Certifying Eligibility of National Youth Sports Program (NYSP) Sites to Participate in the SFSP, December 4, 1998).

The DHHS income eligibility standards for participation in NYSP are stricter than those used to determine eligibility for free or reduced-price meals. To qualify for participation in NYSP under DHHS rules, at least 90 percent of the enrolled children must be at or below the Federal income poverty guidelines. Thus, if a site meets this standard and qualifies for DHHS funding, then it will qualify for participation in the SFSP as well. In addition to written certification that the site meets DHHS income eligibility guidelines, sponsors must review NYSP records to verify that the information is correct.

Other Income Eligible Programs

Sponsors may utilize income eligibility forms from other programs that base their eligibility on the same criteria as the SFSP, but should contact the State agency to verify that the same thresholds and definitions are used for both programs.

For example, sponsors can use documentation of income-eligible Upward Bound participants, provided and certified by an Upward Bound grantee, to document the eligibility of closed enrolled sites, or residential or non-residential camps. Upward Bound income applications may be used in lieu of the SFSP application to determine income eligibility for all SFSP participants since both programs have an income eligibility threshold of 185 percent of the national poverty guidelines (SFSP Policy: Eligibility of Upward Bound Sites; May 26, 2004). Sponsors should contact their State agency if they have questions on the use of Upward Bound eligibility forms for this purpose.

Sponsor Participation in Other Child Nutrition Programs

The Special Milk Program (SMP)

Sponsors may elect to operate the SFSP at some of their sites while operating the Special Milk Program (SMP) at other sites. However, a single site cannot simultaneously participate in the SFSP and the SMP.

Sponsors electing to administer the SMP must enter into a separate agreement with the State agency to operate the SMP at those sites or at those times when it is not participating in the SFSP. The State agency can provide information on operating the SMP.

Child and Adult Care Food Program (CACFP)

CACFP institutions that have sufficient changes in activities or enrollment, or develop a separate food service program for children who are not enrolled in the CACFP, and meet SFSP eligibility criteria, may be approved to participate in the SFSP. Institutions that are approved for both the CACFP and the SFSP must ensure that the same children are not served meals in both programs. Separate records must be kept for each program. Institutions may not switch back and forth between participation in CACFP and participation in SFSP to serve the same children.

Institutions may not establish separate entities using separate tax identification numbers to serve the same children under different child nutrition programs in order to avoid the program restrictions or to earn higher reimbursement. However, if there is a legitimate need for a separate organization and it meets the requirements in the preceding paragraph, then it may be approved to participate in SFSP if it meets SFSP eligibility criteria.

For more information about child nutrition programs, visit the FNS Web site at: www.fns.usda.gov/cnd.

SFSP and Summer School

If a sponsor intends to operate the program at a site where an accredited summer school program is in session, the sponsor must ensure that the food service is open to all children residing in the area served by the site. If a summer school site is not open to the children of the community and provides meals only to enrolled summer school students, the site is not eligible to participate in the SFSP. In this situation, the meals may be reimbursed through the NSLP and SBP.

If a school is only offering enrichment courses that are not considered part of the academic curriculum and do not require mandatory attendance, the school may be eligible to participate in the SFSP as an open or enrolled site.

Chapter 2 – Evaluating and Selecting Sponsors and Sites

In this chapter, you will find specifics on:

- what to look for when selecting program sites;
- operating limitations;
- the sponsor/site agreement; and
- requirements to meet before opening sites.

Priorities for Selection of Sponsors

(7 CFR 225.6(b)(5))

Confusion and waste result when two or more sponsors compete for the same sites or target children in the same geographical area. Since such an overlap in service conflicts with program objectives, the State agency usually approves only one sponsor to serve an area. When determining which of the competing sponsors will serve an area, the National School Lunch Act requires the State agency to give priority to:

1. local school food authority sponsors;
2. government and private non-profit organization sponsors that have successfully operated the SFSP in a prior year;
3. new government sponsoring organizations; and then
4. new private non-profit organization sponsors.

To support the greatest summer meal participation and access it may be appropriate for States to allow sites in relatively close physical proximity to operate in the community, each serving its own participants. Sponsors should be able to explain why differences in the population of children they intend to serve require multiple sites in close proximity to each other. Sites may also be close in proximity but separated by a physical barrier that limits access, such as a busy highway.

Note: If you feel you have a unique situation, contact the State agency for additional assistance when competition poses a significant problem in your area.

Evaluating an Area

It is important that a sponsor adequately evaluate the needs and resources of the area(s) it hopes to serve before making final plans for site operations. In particular, a sponsor should try to determine the type and size of the program that would best meet the needs of the community. As part of the inquiry into the community's needs, a sponsor may contact:

- parks and recreation centers about their summer recreation programs;
- youth organizations, including YMCAs, YWCAs, Boys and Girls Clubs, and scout troops about their summer plans;
- the local food bank or pantry to ask about opportunities to partner in

- the community;
- minority referral sources and relevant minority organizations in the prospective site area;
- other groups and organizations in the area that may be planning to participate in the SFSP;
- local parent groups to determine the level of parental support; and
- local church or faith-based organizations about their summer programs.

After sponsors have made these initial contacts in any area(s) they hope to serve, they will have an easier time evaluating different potential sites and deciding on the size of their operations. Sponsors will have to make three especially important decisions. They must:

- decide how many sites they will sponsor during the summer;
- determine how many children they will serve at each site they sponsor; and
- select the particular sites where they will serve meals to children, closely examining the circumstances if they plan to have several sites in the same neighborhood.

Taking particular care in making these decisions before programs start may prevent problems that could arise later. Consult with the State agency if you have further questions.

Selecting Sites

Since sponsors must assume administrative and financial responsibility for total SFSP operations at all sites under their supervision, they must be certain that a site can offer a quality meal service before they decide to sponsor that site. Sponsors should not select sites where site supervisors have had a poor performance record in past summers or where supervisors were unable to institute timely corrective action. In addition, depending on the nature of these problems, the State agency may choose not to approve such sites for the Program.

The following paragraphs outline several major issues that should be considered when the sponsor evaluates sites. A Site Selection Worksheet is included in the (Tab 3, Attachment 11) and may be useful to sponsors in determining a site's suitability.

Meal Service Facilities

Sponsors are responsible for choosing the most appropriate facilities available for food service. If sponsors prefer onsite meal preparation, they should visit all sites to:

- ensure that sites are properly equipped with the appropriate facilities and equipment for meal preparation and service for the anticipated number of

- children; and
- check that sites can meet State and local public health standards and have or can obtain any required health department certification. The sanitation or health inspector from the local health department can assist in complying with State and local rules and regulations.

Because of the many variables at different sites, the kinds of equipment that will be needed will vary based on the number of children being served and the type of menu being prepared. Tab 3, Attachment 12 provides a chart to assist in determining whether the equipment available is adequate. During the visit, determine the condition of the equipment and, if appropriate, delegate responsibility for maintenance and repairs.

If a sponsor plans to have the meals prepared or delivered by a food service management company, school food service, or a central kitchen, the food preparation, holding and delivery capabilities should be checked.

Sponsors should determine whether meals will be served and consumed inside or outside. If regular meal service is outdoors, sponsors must make sure there is adequate indoor space for meal service during inclement weather.

Mobile Feeding Sites in Rural Areas

Traditionally, urban SFSP sites are located in schools, playgrounds, parks, faith-based organizations, community buildings, or similar places. However, it can be difficult for SFSP sponsors to locate their sites in such places in rural areas. Rural populations may be very dispersed, rural schools are less likely to be open during the summer months, and organizations often cannot utilize traditional spaces used in urban settings.

Even though the regulations permit the use of operating funds to transport children in rural areas to rural sites, it is not always cost-effective to transport children from outlying areas to a site located in a rural town. In these cases it may be more cost effective to transport the meals to the children.

Therefore, FNS has permitted and even encouraged the use of non-traditional means of feeding children in rural areas. If you plan to operate the SFSP in a rural area, please check with your State agency for innovative and effective practices of providing “mobile” meal sites or other practical techniques (Policy # 17-99; “Mobile Feeding Sites” in Rural Areas; February 12, 1999).

Site Supervision

According to program meal service requirements, sponsors should assess how much supervision will be necessary to ensure proper program operations. These supervisory needs will differ from site to site. For mobile feeding sites, extra precautions should be established to ensure the safety of

the food being provided to children. Proper holding temperatures must be maintained along the entire meal delivery route, and State and local health and safety standards must be met.

Serving Capacity

Sponsors need to determine the maximum number of children who can be served at any of their sites. When estimating the number of children to be served at each site, consider:

- the site's administrative capabilities;
- the physical capacity at each site for serving children; and
- the number of children living in the area of each site who are likely to participate.

The importance of estimating as accurately as possible the number of children each site will serve cannot be overemphasized. Adequate program planning requires an accurate estimate of the number of children that will be served so that the total potential reimbursement can be calculated. An excellent way to estimate the potential number of participating children is to contact schools and other children's organizations in the areas of the sites to determine the number of needy children within a short walking distance of the site.

Site Activities

Children are drawn to locations that offer educational, enrichment and recreational activities, as well as sites that provide meals. Therefore, we strongly encourage you to select sites or plan your program in order to offer such organized activities. The following are examples:

- local libraries,
- swimming pools,
- faith-based organizations or churches that offer religious study camp sessions,
- schools that offer various activities,
- Boys and Girls Clubs,
- Programs at colleges and universities,
- 4-H Clubs,
- YMCA's, and
- National Youth Sports Programs.

In addition, you should determine whether there are any year-round public service programs in the community that might serve as sites. These sites usually have facilities that can be used for the meal service and have a permanent staff.

Although it is not encouraged, SFSP sites may charge a fee to participate in the activity portion of their programs. However, the fees must be reasonable

and not restrict access for low-income children. Also, access to the meal service at open sites must always be free.

Number of Sites

In addition to selecting the sites at which meals will be served, you have to decide how many sites you will administer. This decision will depend greatly on the need for a site in the area, your administrative capabilities as a sponsor, and the size of the programs at the sites. You must be sure to plan to operate programs that are consistent with the size of your administrative staff and the extent of your expertise. A small sponsor with limited administrative experience should carefully place limits on the number of sites where it will offer meals.

Operating Limitations (7 CFR 225.6(b)(6))

All sponsors, **except private non-profit organizations**, may be approved for a maximum of 200 sites and a maximum total average daily attendance at all sites of 50,000 children.

The State agency may approve exceptions if the sponsor can demonstrate that it has the capabilities of managing a program larger than these limits.

Private non-profit organizations may be approved to operate up to 25 sites: urban, rural, or both. They may serve up to 300 children at an approved meal service at any one site. The State agency may grant a waiver to allow private non-profit sponsors to serve up to 500 children served at any one site. To be approved for the waiver the sponsor must demonstrate that it is fully capable of managing sites with more than 300 children and that there are no other sponsors capable of serving the children in excess of 300. If a sponsor plans to operate more than 25 sites, only the FNS Regional Office may approve the waiver, and the sponsor is limited to serving up to 500 children at any one site.

Sponsor/Site Agreement

If a sponsor plans to administer a meal program at multiple unaffiliated sites (for example, at recreation programs or vacation Bible schools), the sponsor should enter into an agreement with the site supervisor or responsible site official. The agreement should list, in specific terms, the responsibilities of the site supervisor for the food service program, which will make it easier for the site supervisor to understand his/her duties.

However, the agreement does not relieve the sponsor of final administrative and financial responsibility for operating the SFSP at the site, including its responsibility to maintain contact with meal service staff, ensure that there is adequately trained meal service staff on site, and monitor site operations. A sample Sponsor/Site Agreement form is included (Tab 3, Attachment 13).

Permanent Agreements

The law governing the SFSP requires that, when a single State agency administers the NSLP and any other child nutrition program, the State agency must have a single agreement and claim form for any School Food Authority that administers any combination of the programs. In addition, State agencies have the option to execute permanent agreements with their CACFP institutions.

Therefore, in an effort to provide administrative relief to State agencies and SFSP sponsors, States have the authority to develop a permanent agreement applicable to any SFSP sponsor, including those that operate only the SFSP. Although permanent agreements are permitted in the SFSP, it is important to understand that describing the agreement as “permanent” is solely to communicate that the agreement has no predetermined expiration date. Under certain circumstances, these agreements may still be cancelled, and in no way does this feature of the agreement create contractual obligations beyond those described in the SFSP regulations.

This additional flexibility provides State agencies with an effective tool to reduce paperwork at all levels and reaffirms the commitment to simplify program management, while maintaining the integrity of the program (SFSP Policy Memorandum #03-2007; Permanent Agreements for All Summer Food Service Program Sponsors, February 23, 2007).

Pre-operational Requirements

Health and Sanitation

When sponsors have chosen their prospective sites, they must notify the health department in writing of all prospective site locations and arrange for prompt and regular trash removal.

For health department contacts in Wisconsin, see Tab 4, Attachment 23, List of Hotel and Restaurant Sanitarians.

Local health departments are required to respond to the SFSP notification of operation by sponsors. Please be sure that the health department contacts you by phone, e-mail or mail acknowledging your SFSP operation.

Pre-Operational Site Visits

Prior to approval, sponsors must visit all new sites and any sites that had operational problems in the previous year. These visits are to determine that the sites have the facilities to provide meal service for the anticipated number of children in attendance and the capability to conduct the proposed meal service. Sponsors should note the date of the pre-operational visit to each site and the name of the person who visited each site. Tab 3,

Attachment 11 provides a sample form that can be used to record pre-operational visit information. When a sponsor applies for the SFSP, it will have to certify that all required site visits have been conducted. If sponsors wish, monitors may complete the required pre-operational visits. These pre-operational visits must not be confused with required site visits during the first week of program operations (**see Part II, Chapter 2 – Monitoring for a further discussion of these site visits**).



Chapter 3 – Meal Service

In this chapter, you will find information on:

- different methods to provide meals;
- meal pattern requirements for the meals you serve;
- what to do with leftovers;
- meal service requirements; and
- food safety rules.

Before the State agency approves the program application, a sponsor will have to indicate the method it will use to provide meals to children. Several factors such as the cost of food, the number of meals required, the type of meal service, the number and type of sites, and the facilities available at each site will influence the sponsor's choice.

Sponsors may choose from several methods of providing meals. They may:

- prepare and assemble their own meals,
- obtain meals from a school food authority, or
- obtain meals from a food service management company.

Sponsor Meal Preparation (7 CFR 225.2 definitions)

Many sponsors choose to prepare their own meal, which provides them with maximum control over the quality of preparation. Depending on the facilities available at its sites, a sponsor may prepare meals at each site location or at a central kitchen. Preparing meals at the site requires that each site have adequate kitchen and storage facilities. Sponsors preparing meals at a central kitchen must decide how to distribute the meals from the central kitchen to the sites, and safely store them until meal service. Sponsors preparing or assembling meals either at each site or at a central kitchen receive higher administrative reimbursement rates. See Tab 4, Attachments 14 & 15 for sample production records and worksheets.

Purchasing Meals From Schools (7 CFR 225.15(b))

If sponsors choose not to prepare meals for sites, they may enter into a noncompetitive agreement to purchase meals from a school food service facility that does not obtain meals or management services from a food service management company. Most schools have meal preparation and service facilities since they serve meals to children during the school year. Also, experienced school food service personnel are often available for summer jobs. Sponsors that wish to obtain SFSP meals from a school should contact the local superintendent of schools, or the principals of local non-profit private schools. **(See Part III – Food service management companies, for additional information on soliciting local schools.)**

If meals for the summer program will be prepared in schools that participate in NSLP or SBP, the State agency can permit the service of meals that meet the requirements of these programs rather than the SFSP meal patterns. If a sponsor wishes to exercise this option, a request for permission should be submitted to the State agency along with the application for program participation.

Such an arrangement will require either a written agreement or a contract between the sponsor and the school food authority.

Tab 4, Attachment 16A in is a sample agreement between the school and sponsor to furnish prepared meals. Tab 4, Attachment 16B should be used when purchasing meals only from a non-school vendor and the contract is expected not to exceed \$100,000.

Purchasing Meals From a Food Service Management Company (7 CFR 225.15(m))

In the SFSP, the term "food service management company" means any commercial enterprise or nonprofit organization with which a sponsor may contract for preparing unitized meals, with or without milk, for use in the program, or for managing a sponsor's food service operations in accordance with the limitations set forth in the program regulations on *management responsibilities of sponsors*. This definition is slightly different than in other Child Nutrition Programs.

All SFSP sponsors may choose to contract with a food service management company or with a school to obtain their meals. Generally, sponsors may **not** contract with a school using a food service management company. However, it may be permissible if the school's **Request for Proposal**, Invitation for Bid and/or the contract with the food service management company included the provision of SFSP meals. **Please contact the State agency with questions.**

Consult Part III – Food service management companies of this guide, for additional information. Part III explains the various requirements and procedures that such sponsors must follow when they are contracting with a food service management company.

Please see Tab 4, Attachments 20 for more information regarding SFSP Procurement Rules.

Commodities (7 CFR 225.9(b))

Sponsors eligible to receive USDA Foods (donated commodities) under the SFSP include:

- sponsors preparing meals onsite or at a central kitchen;
- sponsors purchasing meals from a school food authority that participates in the NSLP; and
- school food authority sponsors that procure their SFSP meals from the same food service management company that competitively provided their most recent NSLP and/or SBP meals.

Please see Tab 4, Attachments 17 & 18 for more information on donated foods in Wisconsin.

Unitized Meals

(7 CFR 225.6(h)(3))

Food service management companies and school food authorities contracting to prepare SFSP meals must provide unitized meals to the sponsors' site(s) unless the State agency has approved a waiver of the unitized meal requirement. The unitized meal requirement specifies that the meal components (except milk or juice) must be packaged, delivered, and served as a unit. Milk or juice, which may be packaged and provided separately, must be served with the meal and only such complete meals are reimbursable.

Number and Type of Meals

(7 CFR 225.16(b))

Regular Open, Restricted Open, and Enrolled Sites

Sponsors may serve lunch and either breakfast or a snack. With State agency approval, sponsors may serve up to two meals or one meal and one snack each day. Allowable meal combinations include:

- Breakfast only
- Lunch only
- Lunch and snack
- Breakfast and lunch
- Breakfast and supper
- Snack only
- Supper only
- Breakfast and snack
- Supper and snack
- Two snacks

Camps and Migrant Sites

With State agency approval, camp or migrant site sponsors may serve up to three meals each day or two meals and one snack. Allowable meal combinations include:

- Breakfast, Lunch, and Supper
- Breakfast, Lunch, and Snack
- Lunch, Supper, and Snack
- Any combination of meals or snacks that is less than the maximum number

allowed.

Meal Pattern Requirements (7 CFR 225.16(d))

It is important for the success of an SFSP program to serve nutritious meals that meet meal pattern requirements and that are appetizing to children. Careful menu planning is necessary to meet this goal. The meal pattern requirements assure well-balanced meals that supply the kinds and amounts of foods that children require to help meet their nutrient and energy needs. The meal patterns establish the minimum portions of the various meal components that must be served to each child in order for the participating sponsor to receive reimbursement for each meal.

For a breakfast to be a reimbursable meal, it must contain:

- one serving of milk
- one serving of a vegetable or fruit or full-strength juice; and
- one serving of grain or bread.

A meat or meat alternate is optional.

For a lunch or supper to be a reimbursable meal, it must contain:

- one serving of milk;
- two or more servings of vegetables and/or fruits;
- one serving of grain or bread; and
- one serving of meat or meat alternate.

For a snack to be a reimbursable meal, it must contain two food items. Each item must be from a different food component. However, juice cannot be served when milk is served as the only other component.

Please refer to the **SFSP Meal Pattern Chart**, Tab 4, Attachment 16B (page 3), which shows the required food components for each meal type with the minimum required serving sizes. More information regarding the meal pattern may be found in the *Nutrition Guidance Manual for Sponsors* (purple booklet enclosed).

Dietary Substitutions/Modifications

Sponsors are not required to accommodate dietary preferences, but are encouraged to do so within the existing meal patterns. However, sponsors are required to make substitutions or modifications to the meal patterns for participants with disabilities who are unable to consume the regular program meals when such substitutions are supported by a statement from a recognized medical authority that includes the required alternate foods [7 CFS 225.16(f)(4); FNS Instruction 783-2, Rev.2, 10-19-94].

Additionally substitutions may be made if individual children are unable, because of medical or other special dietary needs (not disabilities), to consume the foods required by the meal patterns. Such substitutions may only be made when supported by a statement from a recognized medical authority that includes recommended alternate foods [7 CFR 225.16(f)(4)].

Schools participating in SFSP or Seamless Summer have the option to offer a nondairy milk substitute to a student with a medical or special dietary need other than a disability. Schools choosing to offer this option must follow a parent's request to have the milk substitute served to his or her child. Schools must receive a written request from a medical authority or parent/guardian that identifies the student's medical or dietary reason for needing a milk substitute in order to serve the child that substitute. Any reasonable reason for requesting that a milk substitute be served will be acceptable. Only milk substitutes that meet USDA's nutrient requirements may be served in order to receive reimbursements for these meals. Schools that decide not to offer milk substitutions for children with medical or special dietary needs must communicate this decision to all households. For more information, please see the USDA's Q&A: Milk Substitution for Children with Medical or Special Dietary Needs (Non-Disability) http://www.fns.usda.gov/cnd/Governance/Policy-Memos/2009/SP_35-2009_os.pdf.

Meal Pattern Exceptions

SFSP sponsors may be approved, in certain cases, to serve meals that meet the meal pattern requirements of other Child Nutrition Programs.

Infant Meals (7 CFR 225.16(f)(2))

Because an infant's first year dietary needs are based on individual development and may be more complicated than those for toddlers and older children, sponsors must receive prior approval from the State agency to serve meals to infants 1 year of age and younger. All meals served to infants must comply with infant meal pattern requirements in Section 226.20(b) of the CACFP regulations. Your State agency can assist you in making sure that your meals comply with these requirements if you serve infants.

Meals for Children Aged 1 to 6 (7 CFR 225.16(f)(2))

SFSP regulations allow for the adjusting of meal portion sizes for younger children. The sponsor must demonstrate to the State agency that it can control portion sizes and follow the age-appropriate meal pattern requirements for children in Section 226.20(c) of CACFP regulations.

Meals for Children Aged 12 to 18 (7 CFR 225.16(d))

The meal patterns specify the minimum portion of each food component for each meal or snack. Because teenagers have greater food needs, sponsors may serve adult-size portions to older children. Adult-size portions may be found in

Section 226.20(c) of CACFP regulations. Also, as a reminder, extra food may always be served to improve the nutrition of participating children (that is, in addition to the food necessary to meet the meal pattern requirements) (Policy Memo #3-99, Issues Related to Meal Service at Sites, December 4, 1998).

Meals Prepared in Schools (7 CFR 225.16(f)(1)(i))

Schools participating in NSLP or SBP are accustomed to preparing meals that meet Federal nutritional requirements. Sponsors serving meals that are prepared in schools may, with prior State agency approval, use the meal requirements of those programs instead of the SFSP meal patterns. Sections 210.10 and 210.10(a) of NSLP regulations and Sections 220.8 and 220.8(a) of SBP regulations describe requirements for school meals.

Offer Versus Serve (7 CFR 225.16(f)(1)(ii))

Using offer versus serve (OVS) meal service in SFSP can simplify Program administration for school-sponsored sites while maintaining the nutritional integrity of the SFSP meal that is served. All school-sponsored sites, regardless of the location of the sites, may use OVS in SFSP.

When utilizing the OVS provision in the SFSP, the SFA must comply with the same rules provided in the NSLP regulations. The following rules apply:

- Depending on which menu planning system is used during the school year (NuMenus, Assisted NuMenus, or food-based menu systems), the appropriate OVS rules must be followed;
- OVS may be implemented for breakfast, lunches, or suppers only (i.e., the implementation of OVS does not apply to snacks, as snacks only contain two components);
- The school must have utilized OVS during the school year when serving the NSLP meals; and
- The school must offer a complete meal to SFSP participants (i.e., all required food items/components must be offered and children must not be urged to decline components).

School sponsors operating breakfast programs at school sites that want to implement OVS must follow SBP meal requirements. Otherwise, the nutritional content of the breakfast may be compromised (SFSP Policy #7-99: Meals Prepared in Schools and Permissible Use of Offer Versus Serve, December 4, 1998; Welfare Reform Advisory Memo #3: Changes to SFSP Mandated by the PRWO Act of 1996; January 27, 1997).



Leftover Meals or Components (7 CFR 225.15(b))

All sponsors must plan, prepare, or order meals with the objective of providing one meal per child at each meal service, and must ensure that entire meals and food components are not often left over and unusable. Sponsors should minimize the amount of waste and unusable leftovers. Some suggestions for avoiding loss or at least reducing the amount of loss are discussed below:

- Sponsors should be monitoring site reports on the number of attending children and the number of delivered meals to reduce waste and cost.
- A limited number of second meals **served as a unit** can be claimed for reimbursement, as long as the total number of second meals does not exceed 2 percent of first meals served by the sponsor, for all sites, during the claiming period.
- Extra meals can be transferred, if allowed by the local health code, from a site with too many meals to a site with a shortage, keeping in mind that meals in excess of the receiving site's approved meal level are not reimbursable.
- Sponsors may designate a "sharing table" or stations where children may return whole items that they choose not to eat, provided that this is in compliance with local and State health and safety codes. These items are then available to other children who may want additional helpings. This practice may be facilitated by serving meal components so that they can be easily "recycled." For example, if sandwich halves are wrapped separately, a child can return an uneaten half to the sharing table. Please check with your local health department or food service codes regarding "sharing tables."
- Where equipment is available, complete meals and nonperishable components that remain on a sharing table can be stored under refrigeration for subsequent service. Please note that all recycled food items must be stored in accordance with local health codes, and must be documented.
- The form of the food should be suitable to the age of the children so that it can be easily consumed within the meal service period. For example, if fruit is cut into smaller pieces, it is easier for young children to eat.

Keep in mind that the safety of the leftover meals must be maintained. Meals or components that are transported or "shared" must be kept in compliance with all local health and safety standards.

Despite diligent efforts to prepare or order the appropriate number of meals, adjust portion sizes, encourage consumption of all meal components, and refrigerate leftovers for later service, sites still may have leftover meals or food items. In these cases, other options for avoiding waste and disposing of leftovers should be explored. If health and food service codes permit, such options could include donations to homeless shelters, food pantries, or other

types of facilities that serve meals or distribute food to needy persons. Donated meals cannot be claimed for reimbursement.

Requirements for Meal Service (7 CFR 225.6(e), 225.15(b), and 225.16)

In addition to serving meals that meet meal pattern requirements, sponsors must comply with the following rules when serving meals at each of their sites:

- Serve the same meal to all children. This means all children receive a meal meeting the meal pattern requirements, not that all meals must be identical in every component (Children with disabilities must be accommodated and therefore may not receive the same meal. See Dietary Substitutions/Modifications section on page 35 for additional information).
- Except where permitted by the State agency, ensure that children eat all meals **onsite**. Your State agency may allow items from the fruit/vegetable component of the meal pattern to be taken off-site. Sponsors should check with State agency staff before allowing any fruits or vegetables to be taken off-site. If the State agency permits this practice, sponsors may allow this option for sites. However, sponsors should allow this only at sites where there is enough staff to monitor this practice. Site personnel must supervise all children on the site while they are eating meals (SFSP #3-99; Issues Related to Meal Service at Sites, December 4, 1995).

In Wisconsin, allowing the fruit or vegetables to be taken off-site is left to the discretion of each sponsoring agency.

- Ensure that all children in attendance at the site receive one meal before any child is served a complete second meal, or any adult meals are served.
- Adhere to local health and sanitation regulations.
- Make adequate arrangements for food service during inclement weather if meals are usually served at an outdoor site.
- Serve meals during the times of meal service submitted on the Site Information Sheet and approved by the State agency. The State agency must approve any changes in meal service times.

Supper Meal Service Exceptions

State agencies have been permitted to approve SFSP sponsors to serve suppers in place of lunches in certain circumstances, including where:

- an area is eligible for the program but sites, meal preparation facilities, or staff are not available for a lunch meal service; or
- an organization has developed late-afternoon or evening programs for children in low-income areas to keep them occupied in the summer months, but do not have sufficient resources to provide children with meals.

Therefore, State agencies may approve a sponsor to serve a supper in place of a lunch when it is feasible and appropriate. Except for camps and migrant sites, sponsors are not allowed to serve a supper and a lunch at the same site (SFSP Policy # 15-99; Supper Meal Service; February 2, 1999).

Serving Meals Family Style

Serving family style meals can help children develop good eating habits through the personal example provided by supervising adults. A family style meal service can work well at camp sites if adults are available to assist children during the meal and if staff and children are together for an extended period of time to provide a relaxed, stable environment conducive for teaching good eating habits. Family style service should not be used at other types of sites.

If a family style service is allowed by State agencies at camp sites, sponsors should ensure that:

- enough food is placed on each table to provide minimum portions of all required meal components;
- some amount of each required component is placed on each child's plate and the minimum amount required by the meal pattern is offered; and
- staff actively encourage children to accept the full portion during the meal.

For more information on family style service, consult FNS Instruction 783-3, Rev. 1, Family Style Meal Service in the Summer Food Service Program.

Field Trips in the SFSP

Sponsors are required to notify, and obtain approval from, the State agency for all field trips that affect the time or location of meal service. Sponsors also should notify the food service vendor in advance of any trips, if applicable. It may be helpful for sponsors to provide a calendar of scheduled trips with the program application if trips are scheduled in advance (SFSP Policy; Field Trips in SFSP; February 3, 2003).

Further, sponsors must notify the State agency of any changes (additions and/or cancellations) to scheduled field trips. If the State agency is not notified prior to the field trip, meals served may be considered "consumed off-site" and may not be reimbursed. Sponsors also must carefully ensure the safety and quality of the meals by using adequate storage equipment to transport them.

Sites may use the Field Trip Request Form (Tab 10, Attachment 44) to notify the Sponsoring Organization of schedule field trips. Sponsors must have field trip schedules maintained in order for meals to be claimed for reimbursement.

Time Restrictions (7 CFR 225.16(c))

In addition to making sure that meals served meet the meal pattern requirements, sponsors should be aware of time restrictions for meal service.

A sponsor must ensure that:

- three hours elapse between the *beginning* of one approved meal service (including snacks) and the *beginning* of another;
- four hours elapse between lunch and supper when a migrant or day camp site serves lunch and supper, with no afternoon snack between the two meals;
- supper begins before 7:00 p.m. (unless the State agency grants a waiver) and, in all cases, ends by 8:00 p.m.;
- the serving periods for lunch and supper do not exceed 2 hours; and
- the serving periods for breakfast and snacks do not exceed 1 hour.

Note: These time restrictions do not apply to residential camps. However, residential camps must ensure that the service period of the different meals does not coincide or overlap [7 CFR 225.16(b)(1)].

There are no regulations restricting meal service on weekends. Therefore, sponsors are allowed to serve meals through SFSP on the weekends with State approval.

In addition, all sites participating in the program must arrange for delivery if the meals are not prepared at the site and arrange for storing the meals according to standards prescribed by local health authorities until mealtime. If the meals are not prepared onsite, the State agency will not approve meal service at that site unless either:

- meals can be delivered no more than 1 hour before the beginning of the meal service; or
- proper facilities exist onsite for storing the food.

Note: If any of these time restrictions present a barrier to participation in SFSP, please contact the State agency to determine whether an exception request to the general rule is appropriate. The State agency must always ensure that food safety and oversight are adequate (SFSP Policy: Flexibility of Time Restrictions on Meal Service, January 29, 2002).



Keep These Food Safety Rules in Mind

- Bacteria can grow rapidly between 40°F and 140°F, which includes room temperature. This is known as the *danger zone*.
- Avoid holding foods in this temperature *danger zone*. Do not hold a food in the temperature *danger zone* for longer than two **hours**. After two hours discard the food.
- Keep meals and milk not being served at the time in the refrigerator or cooler at a temperature of 40°F or below. Hot meals should be in a warming unit or insulated box at a holding temperature of 140°F or more.
- Remember that you cannot determine food safety by sight, taste, odor, or smell. If there is *any* doubt, throw the food away.
- Train food service employees on safe food handling, on the safe use of all types of equipment, and on personal hygiene.
- Keep a fire extinguisher and first-aid kit handy and instruct all personnel in their use.

The four core messages of Clean, Separate, Cook and Chill will help you keep your food safe to eat.

CLEAN

- Wash hands frequently and properly, for at least 20 seconds with soap and *hot* water. Use a *separate* hand wash sink, not sinks used for food preparation or dishwashing. Always wash hands after touching hair or face.
- Use disposable towels when drying hands. Discard disposable towels after each use.
- Cough or sneeze into disposable tissues **ONLY**, and wash hands afterwards. If you sneeze on food or food production areas, discard the food and clean and sanitize the food production area.
- Persons with colds, or other communicable diseases should **not** be permitted to work in food preparation areas.
- All superficial cuts should be covered with a bandage and a disposable glove.
- Any person with an infected cut or skin infection should **not** be permitted to work with food.
- Use disposable gloves properly. Wash hands before putting on gloves, avoid touching skin, carts, refrigerator, freezer, oven doors, money, or any unclean surfaces. Throw the gloves away after using or touching anything other than food.
- Follow instructions exactly on how to use and clean kitchen equipment.
- Keep all equipment such as cutting boards, can openers, grinders, slicers, and work surfaces clean and sanitized. Sanitize equipment and work surfaces between use with raw and cooked foods. Check with local health department codes for a list of sanitizing agents.
- Use plastic cutting boards. Purchase adequate number of cutting boards to prevent cross contamination during food production.
- Empty garbage cans daily. They should be kept tightly covered and thoroughly cleaned. Use plastic or paper liners.

Keep These Food Safety Rules in Mind

SEPARATE

- Avoid cross-contamination.
- Use appropriate utensils to pick up and handle food.
- Never touch ready-to-eat foods with your bare hands.
- If using hands, wear disposable plastic gloves and do not touch anything unclean with the gloves. Throw the gloves away after using or touching anything other than food.
- Prepare sandwiches and salads with a minimum amount of handling.
- As a food safety precaution, you may want to use two sets of cutting boards: one for meats, and one for vegetables and fruits. Using different colors will help to keep them straight.
- Prevent juices from raw meat, poultry, or seafood from dripping on ready-to-eat foods, such as salad greens, either in the refrigerator or during preparation.
- Store ready-to-eat foods *above* raw uncooked foods.

COOK

- Be sure thermometers are available and use them properly. Calibrate thermometers on a regular basis.
- Use a meat thermometer to ensure that meat and poultry are cooked all the way through.
- Cook foods to minimum required internal temperatures for safety.

Minimum Internal Temperatures for Safety

(based on the 2005 FDA Food Code)

165 °F for 15 seconds	Poultry, stuffing, stuffed fish, pork or beef; pasta stuffed with eggs, pork, casseroles, reheating leftovers.
155 °F for 15 seconds	Ground meats, beef, lamb, veal, pork, pasteurized eggs held on steam table, cubed or Salisbury steaks, fish nuggets or sticks
145 °F for 15 seconds	Seafood, beef, pork, veal steaks, & roasts (medium rare), eggs cooked to order and served immediately.
140 °F for 15 seconds	Fresh, frozen, or canned fruits and vegetables that are going to be held on a steam table or in a hot box.

- DO NOT partially cook foods. Partial cooking may encourage bacteria to grow before cooking is completed.
- If the serving of a hot food must be delayed, keep it at a holding temperature of 140°F or above.

CHILL

- Keep cold foods COLD! (Refrigerate or chill food at 40 °F or below)
- Keep frozen food in a freezer at 0 °F or lower.
- Cool hot food from 140°F to 70°F within two hours. If during the cooling process food temperatures do not reach 70°F immediate action is required or food must be discarded. Cool foods from 70°F to 40°F or below within four hours. DO NOT ALLOW ANY FOODS TO COOL AT ROOM TEMPERATURE.
- Refrigerate or freeze properly cooled leftovers in covered, two-inch shallow containers.
- Divide large containers of soups, sauces, or vegetables so that the smaller portions will cool more quickly. Stirring throughout the chilling process will shorten the total cooling time. An ice paddle or ice bath will also help to rapidly cool foods.
- Leave airspace around containers or packages to allow circulation of cold air so that rapid cooling is ensured.
- Once cooled, tightly cover and date leftovers.
- DO NOT THAW FOODS AT ROOM TEMPERATURE. Thaw poultry and meat in a refrigerator and not on counters. Refreeze only if ice crystals are still present.

Chapter 4 – Staffing

In this chapter, you will find information on:

- determining the staff members needed to effectively run the program; and
- staff members' responsibilities.

The size and type of a sponsor's SFSP will dictate many of the sponsor's staffing needs. Depending on a sponsor's program, many positions will require only part-time employment, particularly in the planning and close-out phases. The need for recordkeeping personnel varies according to the size of the program. To meet program monitoring requirements, USDA recommends no less than one monitor for every 15 to 20 sites in urban areas. The number of monitors necessary for rural sites may increase depending upon the geographic area to be covered. Also, varied opening and closing dates of individual site operations affect staffing needs. In every case, however, the sponsor must provide adequate personnel for overall program management and monitoring.

Staff Duties

The following are examples of duties and responsibilities by position. Small programs may not need a different person for the staff positions described. Sponsors needing more specific staffing guidance should consult with the State agency.

Director's Responsibilities

- Attend State agency training
- Provide overall management and supervise the SFSP
- Select sites
- Submit applications/agreements to State agency
- Correspond with State agency
- Coordinate with other agencies and conduct outreach efforts
- Hire, train, and supervise staff
- Arrange for food preparation or delivery
- Ensure that all monitoring requirements are met
- Adjust meal orders
- Submit reimbursement vouchers
- Ensure civil rights compliance
- Handle all agreements and contracts, bidding, and negotiations with vendors for purchased meals

Assistant Director's Responsibilities

- Provide initial and ongoing training for sponsor and site personnel
- Design forms for recordkeeping purposes
- Maintain liaison with vendor to adjust meal delivery
- Check reimbursement vouchers
- Maintain time and attendance records of staff
- Maintain records on number of meals served

Area Supervisor's Responsibilities

- Schedule monitors' visits
- Check monitors' reports
- Prepare weekly summaries of monitoring efforts
- Provide ongoing training for monitors
- Visit sites with monitors
- Determine need for and following through on corrective action
- Review the meal counts submitted by sites for unusual meal count patterns, e.g., first meals always or usually equals meals delivered
- Oversee several monitors
- Report site problems to the Director or Assistant Director

Bookkeeper's Responsibilities

- Maintain records on the following:
 - Daily site reports, invoices, and bills
 - Food costs
 - Labor costs
 - Administrative costs
 - Other costs
 - Program income
- Prepare reimbursement vouchers
- Prepare payroll
- Purchase office supplies



Monitor's Responsibilities

- Check onsite operations to ensure that site personnel maintain records
- Ensure the program operates in accordance with the requirements
- Visit all sites within the first week of food service operations
- Review food service operations of all sites within the first four weeks of operation
- Prepare reports of visits and reviews
- Report unresolved or critical issues to the director
- Revisit sites as necessary
- Suggest corrective actions for problems encountered
- Ensure that sites take corrective actions
- Conduct onsite training as necessary

The monitor visits sites on a regular basis and observes meal service operations. At a minimum, one monitor is needed for every 15 to 20 sites. **See Part II, Chapter 2 -- Monitoring of this guide, for more details.**

Monitors are critical to the successful operation of your SFSP sites. They are the “eyes and ears,” providing valuable feedback about how the sites are operating by visiting sites on a regular basis and observing meal services.

Site Supervisor's Responsibilities

- Serve meals
- Clean up after meals
- Ensure safe and sanitary conditions at the site
- Ensure the safety of food, and comply with local health and safety standards
- Receive and account for delivered meals
- Ensure that children eat all meals onsite
- Plan and organize daily site activities
- Implement alternate food service arrangements during inclement weather
- Take accurate meal counts at point of service (unless an alternate system that provides an accurate count has been approved by the State agency)



Chapter 5 – Application

In this chapter, you will find specifics on:

- applying to become a SFSP sponsor;
- how applications are approved;
- what to check for on the program agreement before signing;
- what happens if an application is denied;
- what a sponsor may appeal; and
- a planning checklist.

Potential sponsors must submit an application to the State agency before the agency's deadline date. Applicants should be certain that they have filled out the application completely and that they have forwarded all of the necessary supporting documentation to the State agency. Incomplete applications will cause a delay in the approval of the sponsor.

Requirements (7 CFR 225.6(c))

State agencies may exempt standard application procedures for those sponsors that want to provide program benefits in times of emergencies (i.e., unanticipated school closures from October through April or at any time during the year for an area with a continuous school calendar). These sponsors may be exempted from filing an application if they have participated in the SFSP in the current year or in either of the two previous calendar years.

State agencies also may vary application requirements based on their assessment of sponsors' experience or expertise in operating the program. For new sponsors or those sponsors that have had operational problems, a State agency will require more detailed information on the site information sheets. For other sponsors that the State agency considers to be experienced in operating the program, less information may be required. Since this regulatory provision is optional, not all State agencies adopt this variation in application processing.

Wisconsin does not have a separate application process for "experienced" sponsors. Applications are completed on-line. Information entered one year is carried over to the following year to help reduce the amount of data entry that is required annually.

A list of application requirements cannot be all-inclusive, since variations occur with each State agency and with the nature of different food services. However, the following list indicates the basic application requirements that sponsors must satisfy:

Refer to the SFSP On-Line Application Manual posted on the DPI website <http://dpi.wi.gov/fns/index.html> for a complete description of the information needed to complete a SFSP application in WI.

- 1. Submit documentation of tax-exempt status** under the Federal Internal Revenue Code of 1986 if they are private non-profit entities. Note: SFSP regulations do not require church sponsors to obtain Federal tax-exempt documentation; however, please check with the State agency for documentation requirements.
- 2. Demonstrate adequate administrative and financial responsibility to manage an effective food service.**
- 3. Provide a site information sheet for each proposed site.** The site information sheet includes documentation of eligibility and meal service times and capabilities for each site, or, if the sponsor qualifies as a camp, documentation of the number of children enrolled in the program that are eligible for free or reduced-price school meals. Attachment 4 displays information that new vs. experienced sponsors are required to include on site information sheets. (See also Part I, Chapter 1 – Eligibility for documenting open, restricted open, and closed enrolled site eligibility.)
- 4. For enrolled sites, provide a written policy statement on free meals.** This policy statement, which must be approved by the State agency, explains that:
 - the same meal is served to all enrolled children regardless of reimbursement status and without discrimination against any child because of race, color, national origin, sex, age or disability.

Camps that charge separately for meals also must:

- explain that the camp uses USDA's eligibility standards for family size and income levels at the level of reduced-price school meals;
- describe how the camp accepts household size-income statements from campers and assures that children whose families receive SNAP, FDPIR, or TANF benefits are automatically eligible for free meals;
- describe how the camp will collect payments from children who must pay the full price for their meals and how the camp ensures that children receiving free meals are not overtly identified;

- assure that the camp has a hearing procedure for families who want to appeal a denial of eligibility for free meals; and
- assure that if a family requests a hearing, the child will continue to receive free meals until a decision is made by the hearing official.

5. Sign a program agreement with the State agency.

6. Provide a copy of a proposed media release with the application. The application cannot be approved without it. Once the media release statement is approved by the State agency, it must be provided to media outlets (e.g., newspapers, television and radio stations) serving the area where the SFSP sites are located.

The purpose of the media release is to announce the availability of free meals, the nondiscrimination policy, and complaint procedures if an individual wishes to file a complaint for violation of non-discrimination policy. Enrolled sites and camps must include the reduced-price income eligibility guidelines in the media release. Children who are part of households that receive SNAP benefits, FDPIR, or TANF benefits are automatically eligible for free meals.

Tab 8, Attachment 35 provides sample news releases for open and closed enrolled sites. In addition to the information that is required to be included in the media release, we encourage sponsors to include other relevant information, such as activities that will be provided for children at the SFSP sites.

7. Submit a complete management plan that includes staffing needs and an administrative budget. Sponsors will need to indicate the number of people who will be working in each position, the number of hours per day each will work, and the total estimate for employee salaries, including hourly wages and fringe benefits.

State agencies may waive the budget requirement for public schools or private nonprofit schools that: participated in the SFSP during the preceding summer or during vacation breaks in the current year for schools operating on a year-round calendar; and had no operational problems during that time as reported by the State agency or FNS (SFSP Policy, January 2, 2008; Nationwide Expansion of Summer Food Service Program Simplified Cost Accounting Procedures).

Wisconsin does not waive budgets for any sponsor.

8. Apply for advance payments. These are payments that may be received before the program begins to pay for administrative and operating costs that are incurred before the program starts.

(Advance payments are explained in detail in Part II, Chapter 4 - Program Payments.)

9. **Certify that a training program will be conducted for monitors and site personnel.** Include information explaining when the training will be held and the topics that will be discussed. (Part II, Chapter 1 -- Training contains an in-depth explanation of this training requirement.)



10. **For sponsors that plan to use a food service management company to provide meals, provide a copy of the invitation for bid; for sponsors that plan to use a school food authority to provide meals, provide the proposed agreement.** Sponsors should also submit plans for advertisement for bids if they intend to contract with a food service management company.

11. **Apply for start-up payments if available, and if the sponsor wants to receive them.** Start-up payments are described in Part II, Chapter 4 -- Program Payments.

12. **Certify that the sponsor will directly operate the food service at each site if the sponsor is a governmental entity or a private non-profit organization.**

Deadline for Submitting Applications (7 CFR 225.6(b)(1))

The deadline for submitting a written application to operate the SFSP in the summer months is June 15. However, State agencies may establish earlier deadlines. Sponsors that apply to operate the program during emergencies are exempt from application deadlines.

Due date for applications in Wisconsin is April 16 if the agency is requesting commodities and/or an advance in payment. If not requesting commodities and/or an advance, the application deadline is June 15 or at least 15 days prior to the start of operation, whichever comes first.

Review of Applications (7 CFR 225.6(b)(3) and 225.11(c))

Within 30 days of receiving a completed application, the State agency will notify the applicant of its approval or disapproval. If the application is incomplete, the State agency will notify the applicant within 15 days and provide technical assistance to help the applicant complete the application process.

Approval to participate must be denied to any applicant that is found to be seriously deficient in the operation of any Federal child nutrition

program, including those disqualified from the Child and Adult Care Food Program (SFSP Policy January 2, 2008; Nationwide Expansion of Summer Food Service Program Simplified Cost Accounting Procedures).

State-Sponsor Agreement (7 CFR 225.6(e))

At the time it approves sponsors to operate the program, the State agency will complete and sign a program agreement with each sponsor. The agreement is a legally binding document that specifies the rights and responsibilities of both the sponsor and State agency, and should be read carefully before being signed. When a completed agreement is received from the State agency, sponsors should be certain to check the following items:

- **The approved budget.** The State agency will review the budget that sponsors submit with the application to determine whether the items listed as anticipated costs are allowable. Sponsors may not apply reimbursement towards any unallowable costs.
- **The approved list of sites.** The agreement will include a list of approved sites. Only meals served and consumed at approved sites will be eligible for program reimbursement. Sites may be added or deleted later with the approval of the State agency.
- **The approved meal service(s) at each site.** The agreement will specify the type(s) of meals approved for each site. Sponsors will not receive reimbursement for the service of any meal type that is not approved by the State agency.
- **The approved time of meal service.** The agreement will include the approved time of meal service for each site. Sponsors will not receive reimbursement for meals served outside of meal service times unless approved by the State agency.
- **The approved level(s) of meal service for each site serving vended meals.** The agreement will include an approved maximum number of meals for each type of meal service at each vended site. (This approved meal level is discussed in Part III -- Food Service Management Companies of this guide.) Those meals served that exceed the approved level at any meal service will not be eligible for reimbursement. If an approved level is too low, Sponsors may seek an adjustment by contacting the State agency.

Sponsors will receive reimbursement **only** for meals that are served **after** they have been approved for program operations. Sponsors must be certain that they have been approved **before** they begin their meal service.

- **Before program operations begin, sponsors must submit to the State agency a copy of the letter notifying the local health department of their intention to provide a food service at specific times at planned sites.**

Appeal Rights

(7 CFR 225.6(b)(3) and 225.13)

Any sponsor that is denied participation in the program or denied program payment may obtain a hearing by an official other than the one directly responsible for the original determination. At the time of the denial, the State agency must tell the sponsor whom to contact for an appeal.

The following State agency actions may be appealed:

- denial of sponsor's request for an advance payment;
- denial of a sponsor's claim for reimbursement (except on decisions made by FNS with respect to late claims or upward adjustments);
- termination of a sponsor's (or a site's) participation in the program;
- denial of a sponsor's site application;
- if applicable, denial of a food service management company's application for registration or the revocation of a food service management company's registration;
- claim against a sponsor for remittance of a payment; and
- refusal by the State agency to forward to FNS an exception request by the sponsor for payment of a late claim or a request for an upward adjustment to a claim.

Wisconsin sponsor Appeal Procedures can be found under Tab 5, Attachment 25. A Seriously Deficient Policy is also located in that section – Attachment 26.

Planning Checklist

A checklist summarizing the planning activities described throughout Part I of this guide is included under the Attachment Section, Tab 5 Attachment 24.

Chapter 6 – **Part 1** Questions and Answers

1. What requirements must I meet to become an SFSP sponsor?

The first requirement is that your sponsoring organization must be a public or private non-profit school food authority; a public or private non-profit college or university; a public or private non-profit residential summer camp; a unit of local, county, municipal, State, or Federal Government; or any other type of private non-profit organization. Also, all sponsors must be tax exempt and must demonstrate the administrative and financial ability to manage a food service effectively. In addition, most sponsors must provide a year-round public service to the area in which they intend to provide the SFSP.

2. If a summer food program is administered by a nonprofit institution, does it automatically meet the requirement to conduct a nonprofit food service under SFSP?

No. The institution's status as a public or private nonprofit cannot be used as evidence that the institution is operating a nonprofit food service. Nonprofit food service status is determined by the scope of the food service activities conducted by the institution and the use of the food service revenues. All income to the program must be retained and used for the sole purpose of operating a nonprofit food service. The institution is limited to allocating costs to the program for allowable expenses of serving meals to eligible participants.

2. At what types of sites can meals be served?

Meals can be served at open, restricted open, closed enrolled, migrant, or NYSP sites, or at residential or nonresidential camps.

4. Are there any pre-operational requirements I must fulfill once I have chosen my prospective sites?

Yes. Once prospective sites have been chosen, the health department must be notified in writing of all prospective site locations and arrangements for prompt and regular trash removal must be made. Additionally, all sites must be visited to determine that they have the facilities to provide meals for the anticipated number of children in attendance and the capability to serve SFSP meals.

5. What are my choices of meal preparation methods to use when providing meals to children?

Sponsors may choose from several methods of meal preparation when providing meals. They may either prepare and assemble their own meals, or obtain meals from a school food authority, a food service management company, a commercial for-profit company or a private non-profit organization. Please check with your State agency for a list of establishments that you can contract with to prepare your meals.

6. How many and what type of meals can I serve each day?

Open, restricted open, or closed enrolled sites may be approved to serve up to two meals each day. For example, a site might serve breakfast and lunch *or* lunch and a snack. Camps and sites serving primarily children of migrant families may serve up to three meals or two meals and one snack with State agency approval.

7. What are the meal pattern requirements for the meals I serve to children?

It is important that SFSP sponsors serve nutritious meals that meet meal pattern requirements and that are appealing to children. The meal pattern establishes the minimum portions of each component that need to be served to each child for a reimbursable meal. Breakfast must contain one serving of milk, one serving of a vegetable or fruit or full-strength juice and one serving of grain or bread. A meat or meat alternate is optional. A lunch or a supper must contain one serving of milk, two or more servings of vegetables and/or fruits, one serving of grain or bread and one serving of meat or meat alternate. A snack must contain two food items from different food components. However, juice may not be served when milk is served as the other component. The meal pattern chart in this part lists the required food components for each meal type and the minimum required serving sizes. Sponsors also can consult the USDA's *Food Buying Guide* for assistance with determining portion sizes and what quantities to purchase.

8. What are the other requirements for the meals I serve to children?

Besides serving meals that meet meal pattern requirements, sponsors must be certain that: all children eat all meals onsite (unless the State agency allows the fruit/vegetable component to be taken off-site and the sponsor approves sites with adequate supervisory staff), and all children receive one meal before any child is served a complete second

meal. Also, sponsors must adhere to local health and sanitation regulations, make adequate arrangement for food service during inclement weather, serve meals during the approved times of meal service and notify the State agency if the site is planning a field trip.

9. Are there time restrictions for any of the meals I serve?

Yes. Except for residential camps, sponsors must ensure that three hours elapse between the beginning of one approved meal service (including snacks) and the beginning of another. Also, four hours must elapse between lunch and supper when a migrant or day camp site serves lunch and supper with no afternoon snack between the two meals. Further, supper must begin before 7:00 p.m. and end by 8:00 p.m. The serving period for lunch and supper must not exceed two hours and the serving period for breakfast and snacks must not exceed one hour.

10. What should I consider when deciding my staffing needs?

It is very important for the sponsor to provide adequate personnel for overall program management and monitoring in order to fully comply with program requirements. Depending on a sponsor's program, many positions will require only part-time employment, particularly in the planning and closeout phases. The need for recordkeeping personnel varies according to the size of the program. To meet program monitoring requirements, USDA recommends one monitor for every 15 to 20 sites in urban areas. The number of monitors necessary for rural sites may increase depending upon the geographic area to be covered. Also, varied opening and closing dates of individual sites may affect staffing needs. In every case the sponsor must provide adequate personnel for overall program management and monitoring.

11. What do I need to do to apply to participate in the SFSP?

Contact your State agency and obtain a sponsor application. Make sure to submit the application to the State agency before the agency's deadline date. Applicants should be certain that they have filled out the application completely and that they have forwarded all the necessary supporting documentation. Incomplete applications will cause a delay in approval of the sponsor.

12. What happens when I'm approved to participate in the SFSP?

When a sponsor is approved to participate in the SFSP, the State agency will complete and sign a program agreement with each

sponsor. The agreement is a legal binding document that specifies the rights and responsibilities of both the sponsor and State agency and should be read carefully before being signed. When the completed agreement is received back from the State agency sponsors should be certain to check the approved budget, approved list of sites, approved meal service(s) at each site, approved meal service time, and approved level(s) of meals service for each site serving vended meals.

13. How often can I add sites?

Generally, sponsors may add sites to their program at any time during the approved operational period. However, the sponsor must provide the State agency with all the necessary information on each additional site and receive approval before serving and claiming meals at the new site(s). The State agency will amend the agreement and provide the sponsor with a copy of the addendum. Please check with your State agency for more specific information



PART II – ADMINISTERING THE PROGRAM

Once sponsors are approved, they must operate the Summer Food Service Program (SFSP) according to:

- Federal regulations;
- SFSP instructions, circulars and guidance materials; and
- applicable State and local laws.

See Tab 1, Attachment 3 for a list of current SFSP Federal Policies. Check with your State agency about any changes in SFSP policies.

Chapter 1 – Training

In this chapter, you will find information on specific training requirements for administrative staff, site staff, and monitors.

Training is one of the sponsor's major administrative responsibilities. A smoothly operated program will require that sponsors provide training throughout the duration of the program. A comprehensive training effort, including weekly or biweekly meetings on program requirements, will help ensure that monitoring, site, and administrative personnel are performing according to program regulations, that all meals will be eligible for reimbursement, and that accurate and adequate records are available to document the costs and meals claimed.

To enhance this training effort, good communications (both internal and external) should be established with the State agency, the school vendor or food service management company, the in-office staff members, the monitors, and the site staff. For example, meetings and telephone contacts with site and monitoring staff will provide opportunities to ask questions, discuss site operations, and provide specific training on any problem area. In addition, discussions of job descriptions and explanations about the organizational structure enable staff members to understand their own responsibilities as well as those of their coworkers.

Sponsor Requirements

(7 CFR 225.7(a) and 225.15(d)(1))

Sponsors are required to attend State agency training and must train all administrative staff and site staff before they undertake their responsibilities. Because these staffing groups have different program responsibilities, most sponsors will want to offer two different training sessions to focus on each group's specific functions. All staff should receive a letter or flyer announcing the date, time, location, and importance of attending the training session that has been planned for their particular function. You also should

remind staff shortly before the date of the session. The date, names of attendees, and documentation of the topics covered must be recorded for each training session offered. (See Tab 6, Attachment 27 for training checklists for administrative, monitor, and site staff training sessions.) Sponsors that provide SFSP meals during emergency school closure situations (from October through April or anytime of the year in an area with a continuous school calendar) may be exempted from attending the State agency annual training prior to beginning operations.

Administrative Staff (7 CFR 225.15(d)(1))

The training session offered for administrative staff will explain the responsibilities and duties of all sponsor personnel helping to administer the SFSP at the sponsor level. These personnel include the office staff (assistants, clerks, bookkeepers, and secretaries), area supervisors, and most importantly, monitors.

The specific training needs of sponsor administrative staff will vary. Specific areas of the training may require greater depth with different employees. However, all training for administrative staff should cover the following topics and use the training materials listed in the sample outline. This outline also is provided under Tab 6, Attachment 27.

1. Begin with a general explanation of the program, emphasizing the following topics:
 - purpose of the program,
 - site eligibility,
 - recordkeeping requirements,
 - organized site activity,
 - meal requirements, and
 - nondiscrimination compliance.
2. Describe how the program will operate within the framework outlined in this guide (use the menu schedule, sample delivery receipts, and sample daily reporting forms for sites), including:
 - how meals will be provided,
 - the delivery schedule (if applicable), and
 - what records are kept and what forms are used.
3. Outline the specific duties of monitors (use monitor review form and visit report and the mileage log), including:
 - conducting site visits/reviews,
 - sites for which they are responsible,
 - monitoring schedule,
 - reporting procedure,

- follow-up procedure, and
- office procedures.

Monitor Personnel

Monitors should be present at both the site and administrative training to ensure a comprehensive understanding of program operations at both levels. The sponsor must provide monitors with thorough training because only those monitors knowledgeable in program requirements and duties will be able to provide meaningful feedback to the sponsor. Since the monitoring function is so important to proper program operations and full reimbursement, sponsors should conduct separate training sessions for monitors that highlight their specific functions. This training should outline the specific duties of monitors including:



- sites for which they will be responsible,
- conducting site visits/reviews,
- monitoring schedules,
- reporting/recordkeeping procedures,
- follow-up procedures,
- office procedures,
- local sanitation and health laws,
- civil rights,
- reporting of racial/ethnic data, and
- considerations for personal safety, if necessary.

This training outline may be found under Tab 6, Attachment 27. Materials to use include the site visit and review forms, monitor mileage log, Monitor's Guide, and ethnic/racial data form.

Site Staff

(7 CFR 225.15(d)(1)) SFSP regulations require that no food service site may operate until personnel at the site have attended at least one of the sponsor's training sessions. (Note: State agencies may waive this requirement for sponsors that provide program benefits during emergency situations from October through April or at anytime in an area with a continuous school calendar.)

Sponsors must document the attendance at site training sessions and schedule additional sessions for those staff who are absent. Regulations also require that at least one person who has been trained by the sponsor be present at each of the sponsor's sites during the time of the meal service. This means that if a site supervisor who has attended the sponsor's training session resigns during the summer, the sponsor is responsible for ensuring that the

new site supervisor receives all necessary training before taking charge of the site.

At a minimum, sponsors should be certain that they cover the following topics in the training session for site personnel. (See Tab 6, Attachment 27 for this training outline.)

1. Begin with a general explanation of the program:
 - purpose of the program,
 - site eligibility,
 - necessity for accurate records, and
 - importance of organized activities at sites
2. Describe how the site will operate:
 - For sites obtaining meals from food service management companies/commercial meal vendor/commercial meal vendor, school food authorities or sponsor's central kitchen:
 - meal pattern requirements and types of meal service offered (use planned menus),
 - delivery schedules (exact times),
 - adjustments in the delivery amount,
 - facilities available for storing meals,
 - who to contact about problems (provide sponsor's name and telephone number), and
 - approved level of meal service.
 - For sites where meals are prepared onsite:
 - meal pattern requirements,
 - inventory (use inventory forms),
 - meal adjustments (use production records), and
 - meal preparation adjustments.
3. Explain recordkeeping requirements:
 - daily recordkeeping requirements,
 - delivery receipts (sample forms),
 - seconds, leftovers, and spoiled meals,
 - daily labor -- actual time spent on food service and time and attendance records,
 - collection of daily record forms, and
 - maintain copies of meal service forms.
4. Outline the Monitor's responsibilities (use monitoring forms):
 - duties and authority, and
 - areas of assignment and introduction to site supervisors.

5. Explain Civil Rights requirements (use Site Supervisor's Guide).
6. Explain other miscellaneous policy (use sponsor's policy), such as:
 - problems of inclement weather and alternate service areas,
 - problems with unauthorized adults eating program meals,
 - problems with discipline,
 - review of equipment, facilities, and materials available for organized recreational activities,
 - review of trash removal system,
 - corrective action, and
 - nutrition education.

Accurate Point-of-Service Counts are Critical!

It is critical that site personnel and monitors understand the importance of accurate point-of-service meal counts. Meal counts should represent only the number of meals actually **served** to children. Only complete meals **served** to eligible children can be claimed for reimbursement. Therefore, meals must be counted at the actual point-of-service, i.e., meals are counted as they are served, to ensure that an accurate count of meals served is obtained and reported. Counting meals at the point-of-service also allows site personnel to ensure that only complete meals are served.

Meal Count Forms

Tab 10, Attachments 42 are sample meal count forms. There is also a Daily Meal Count Form that can be used for sites that are allowed to carry-over meals and milk for service the following day and a Field Trip Meal Count Form to be used by supervising staff when meals are served on approved field trips.

A training session attendance sign-in sheet for site personnel can be used by sponsors to assemble a list of the signatures of the site supervisors and assistants who are responsible for signing daily records. Sponsors can use these lists when reviewing the records returned by the sites to ensure that the proper person is signing the daily records.

It is recommended that a form such Tab 6, Attachment 28, be used to document group training. One-on-one training must also be documented in some format.

A notice of the site training session should be sent to local health inspectors so that they have the opportunity to attend the training and

become more familiar with the food service operations. If any site receives meals through a food service management company or school food authority the company or school representatives should be invited to attend the training and participate in the discussion of menus and delivery schedules.



Chapter 2 – Monitoring

In this chapter, you will find information on:

- monitoring requirements;
- sample monitoring reports; and
- what to look for when reviewing reports.

An efficient and capable monitoring staff is essential for any program to be successful. A monitor serves as a direct link between the sponsor's headquarters and the actual food service sites. Establishing a workable monitoring system will help prevent problems from occurring and will make it easier to correct any problems that arise during the summer. The size of the monitoring staff will, of course, depend on the size of the sponsor's program. (This is discussed in Part I, Chapter 4 -- Staffing.)

The sponsor must ensure that the authority and responsibilities of its monitors are clear to the monitoring staff, site supervisors, and office personnel. Monitors must ensure that the site operates the program according to program guidelines. Monitors must understand program requirements, including civil rights requirements, train site personnel when necessary, and spend enough time at each site to ensure proper program operations. The monitor also should have a supply of all necessary forms.

Visits and Reviews

When monitors observe program operations at sites, they usually make either a "visit" or a "review." A site "visit" requires a monitor to ensure that the food service is operating smoothly and that any apparent problems are immediately resolved. These site visits must not be confused with the pre-operational visits. A site "review" requires the monitor to determine if the site is meeting all the various program requirements. To accomplish this, a monitor will have to observe a complete meal service from beginning to end. This includes delivery or preparation of meals, the meal service, and clean up after meals. A sample Pre-operational Visit Form is included under Tab 7, Attachment 29. The First Week Visit Forms - one for Self-Preparation (Attachment 30) and Vended (Attachment 31) sponsors are also included in the Attachment Section as are the sample Site Review Forms for Self-Preparation Programs and for Vended Programs (Attachments 32 and 33).

Requirements

(7 CFR 225.15(d)(2) and (3))

Sponsors must ensure that the following minimum monitoring requirements are met:

- **Pre-operational Visits** – Sponsors should visit all new and problem sites before they begin operations. These visits are required to make sure that the sites have facilities to provide meal services for the number of children expected to attend.
- **Site Visits** – Sponsors must visit all sites at least once during the first week of operation. However, State agencies may waive this requirement for sponsors on a site-by-site basis, provided that the sites were operated successfully in the previous year and have an experienced program staff at each of the sites for which the waiver is requested (SFSP Policy: Requirement for First-Week Visits in the SFSP for Non-School Sponsors; March 1, 2002).
- **Site Reviews** – Sponsors must review all sites at least once during the first four weeks of program operations. After this initial period, sponsors must conduct a “reasonable” level of monitoring. If a site operates less than four weeks, the sponsor must still conduct a review.

For a “visit,” a monitor need not be present during the entire meal service, as opposed to a “review,” which would require a monitor to be present before, during and after the meal service to observe all aspects of the site's operations.

If any problems are found at the sites, prompt action must be taken to correct the problems. Monitors should follow-up on problems found in previous reviews and inspections by the health department and document that corrections were made. Also, monitoring must continue throughout the duration of the program at a level sufficient to ensure that sites comply with program regulations.

Reports

All visits and reviews must be documented. Records of visits and reviews will help sponsors assess the operation of sites. Records are only useful, however, when they are carefully reviewed by sponsor personnel and when follow-up monitoring is scheduled to ensure that any corrective actions have been taken to improve site operations.

Each sponsor must, therefore, design a system for handling monitor reports. Sponsors should have a system that will ensure that monitors return reports frequently – if possible every day. The reports should be immediately

reviewed by a specific member of the sponsor's staff who is responsible for following up on any problems. The staff member should:

- review any problems found by the monitor;
- call the site supervisor, if necessary;
- document corrective action taken at the site;
- schedule a follow-up review, if necessary; and
- sign and date the report.

The sponsor review official should base the timing of a follow-up review on the severity of the problem.

Reviewing Reports

When sponsors or their staff review monitor reports, they also should pay attention to the quality of the reports. There are several indicators that may be apparent in the monitors' reports that may suggest the monitor's lack of program knowledge or the monitor's misunderstanding of his or her responsibilities. Additional training would be appropriate if the monitor:

- did not answer all questions on the report;
- rarely notes problems and does not include comments in the remarks section of the report;
- observes that the number of meals delivered or served and the number of children who are in attendance are always the same and yet does not follow-up on this suspicious pattern to see if meal counts are being taken appropriately;
- recommends a corrective action and fails to note the action taken or fails to initiate correction of the problem(s);
- fails to recommend adjustments in meal orders when the number of meals exceeds attendance; or
- arrives at sites late and/or does not stay for the entire meal service.

Sponsors must be sure that monitors schedule visits and reviews so that they can meet the program requirements. A good monitoring schedule and an efficient system for the review and follow-up on the monitor's reports are necessary for effective program operations.

The tentative monitoring schedule is submitted to DPI as part of the application process.

Chapter 3 – Civil Rights

In this chapter, you will find information on:

- civil rights requirements; and
- racial/ethnic data you must collect at your sites.

Requirements

(7 CFR 225.7(g) and FNS Instruction 113-1 (issued 11/08/05)

All participating sponsors must inform potential participants of the availability of the SFSP. In addition, all sponsors and their sites are required to:

- display in a prominent place at the site and in the sponsor's office, the nondiscrimination poster developed by USDA or approved by FNS;
- make reasonable efforts to provide information in the appropriate translation concerning the availability and nutritional benefits of the program;
- make program information available to the public upon request;
- include the nondiscrimination statement, and instructions for filing a complaint, in their public release and in any program information directed to parents of participants and potential participants;
- ensure that meals are served to all attending children, regardless of their race, color, national origin, sex, age, or disability; and
- ensure that all children have equal access to services and facilities at the site regardless of race, color, national origin, sex, age or disability.

Ethnic/Racial Data

Each year, every sponsor must determine the number of potentially eligible participants by ethnic/racial category for the area served. This information may be obtained from census data or public school enrollment data.

The sponsor also must collect ethnic/racial category data each year by ethnic/racial category for each site under the sponsor's jurisdiction. Sponsors of residential camps must collect and maintain this information separately for each session of the camp. For all other sites, the sponsor must count the participating children at least once during the site's operation. The sponsor may use visual identification to determine a participant's ethnic/racial category. For collection purposes, a participant may be included in the group to which he or she appears to belong, identifies with, or is regarded as a member of by the community.

To provide flexibility and ensure data quality, separate categories must be used when collecting and reporting race and ethnicity. Ethnicity must be

collected first. Respondents must be offered the option of selecting one or more racial designations. The minimum designations for collection are:

1. Ethnicity:

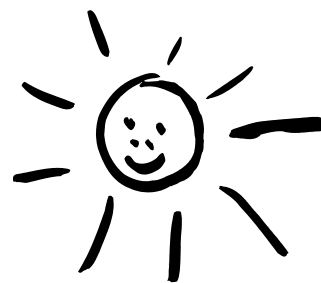
- a. *Hispanic or Latino*. A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race. The term “Spanish origin” can be used in addition to “Hispanic or Latino.”
- b. *Not Hispanic or Latino*.

2. Race:

- a. *American Indian or Alaskan Native*. A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.
- b. *Asian*. A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
- c. *Black or African American*. A person having origins in any of the black racial groups of Africa. Terms such as “Haitian” or “Negro” can be used in addition to ‘Black or African American.’
- d. *Native Hawaiian or Other Pacific Islander*. A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
- e. *White*. A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

The sponsor must retain data, as well as documentation for the data, for the required three years. The sponsor must use safeguards to prevent the data from being used for discriminatory purposes. Such safeguards include allowing access to program records containing this data only to authorized personnel. A sample Ethnic/Racial Category Data Form is shown under Tab 8, Attachment 34 in the Attachment Section.

Chapter 4 – Program Payments



In this chapter, you will find information on:

- advance payments;
- startup payments;
- reimbursement claims;
- unallowable program costs; and
- non-reimbursable meals.

This chapter discusses the methods and procedures for program payments. These payments are the reimbursement that sponsors receive based on the number of meals they serve that meet SFSP requirements for reimbursement.

Advance Payments (7 CFR 225.9(c))

When sponsors apply for the program, they may request advance payments for their total program costs, for their operating costs, or for their administrative costs. Although sponsors are no longer required to categorize costs as operational or administrative when submitting claims for reimbursement, advance payments are still categorized as such. **Therefore, sponsors may not request an advance for operating and administrative costs combined, but must make these requests separately.**

When determining the amount of the advance payment, the State agency will make the best possible estimate based on the sponsor's request and any other available data. These payments are advances on the reimbursement that sponsors will receive for a month of operations and will be deducted from future reimbursement payments. The advances should help sponsors maintain a positive cash flow because they will have funds available to meet program costs as they arise throughout the month.

If a non-school sponsor is in need of a 2nd advance payment and qualifies, a completed PI-1491 must be submitted to DPI in order for the sponsor to receive a 2nd advance. Please contact DPI for a copy of the form.

Advances for Operating Costs (7 CFR 225.9(c)(1))

Sponsors must request each advance payment for operating costs from the State agency at least 30 days before the payment dates of June 1, July 15, and August 15. If sponsors participated in the previous year's program, the advance payments for operating costs usually will be based on the reimbursement they earned during the same month of the previous year.

The State agency also may estimate advance payments as a percentage of anticipated costs. The State agency must receive certification that a sponsor (except for school sponsors) has held training sessions on program requirements for site and sponsor personnel before it will release the second month's operating advance to the sponsor. A sponsor may not receive an advance for operating costs in any month when it will not be operating for at least 10 days.

Advances for Administrative Costs

(7 CFR 225.9(c)(2))

Sponsors must request each advance payment for administrative costs from the State agency at least 30 days before the payment dates of June 1 and July 15. If sponsors operate the program less than 10 days in June but at least 10 days in August, they will be issued the second month's payment for advance administrative costs on August 15. Sponsors planning to operate the program for less than 10 days cannot receive advance payments for administrative costs. State agencies may adjust the amount of advances based on monitoring or audits.

Startup Payments

(7 CFR 225.2 definitions and 225.9(a))

The State agency may, at its option, provide the sponsor with a limited amount of startup payments (up to a maximum of 20 percent of the sponsor's approved administrative budget). These startup payments, which are deducted from later administrative reimbursements, are for administrative costs incurred in planning a food service and in establishing effective management procedures for that service. Sponsors may request the startup payments if they are available, when they apply for the program. If approved, the startup payments may not be provided any earlier than two months before food operations begin.

Start-up Payments are not available in Wisconsin.

Program Reimbursement

(7 CFR 225.9(d))

Reimbursements are based on the number of meals served multiplied by the sum of administrative and operational rates. Sponsors must maintain complete records to document all costs and meals they claim for reimbursement. Sponsors are not eligible for reimbursement unless they have signed an agreement with the State agency. (The necessary records are discussed in Part II, Chapter 5 of this guide.)

Allowable Operating Costs

(7 CFR 225.2 definitions and FNS Instruction 796-4, Rev. 4)

Reimbursements may be used to cover allowable operating costs that include, but are not limited to, the cost of food used, nonfood supplies, and space for the food service.

Allowable Administrative Costs

(7 CFR 225.2 definitions and FNS Instruction 796-4, Rev. 4)

Reimbursements may be used to cover allowable administrative costs incurred by your organization for activities related to planning, organizing, and administering the program.

The SFSP has two different levels of administrative reimbursement rates. The higher reimbursement rates are for sponsors of sites that prepare or assemble their own meals and for sponsors of sites located in rural areas. The lower rate is for all other sponsors.

A rural area is any area that is not part of a Metropolitan Statistical Area as defined by the Office of Management and Budget (OMB). With the approval of the State agency, an area may be defined as rural if it is a part of a Metropolitan Statistical Area (MSA), but is isolated from the urban center. The State agency will be able to provide information on whether sites are considered rural for program purposes.

The current administrative reimbursement rates are available from the State agency.

See Tab 9, Attachment 36 in the Attachment Section for the 2010 Rates of Reimbursement.

Determining Whether Sites are Rural or Urban

OMB recalculated the MSA based on the Census Bureau's decennial Census of 2000. OMB has introduced the following two new concepts that require consideration when determining eligibility for areas isolated from urban areas.

Metropolitan Statistical Area: This is a locale where there is at least one urbanized area of 50,000 or more in population, plus adjacent territory that has a high degree of social and economic integration with the core as measured by commuting ties.

Micropolitan Statistical Area: This is a new set of statistical areas based upon the 2000 Census where there is at least one urban cluster of at least 10,000 but less than 50,000 population, plus adjacent territory that has a high degree

of social and economic integration with the core as measured by commuting ties.

In addition, OMB has given special consideration to the six “New England” States (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont). The six States, the New England City and Town areas (NECTA) are defined using the same criteria as Metropolitan and Micropolitan Statistical Areas and are identified as either metropolitan or micropolitan based on the presence of either an urbanized area of 50,000 or more population or an urban cluster of at least 10,000 but less than 50,000 population.

Since these are relatively new concepts, sponsors should consider only those locales not designated as Metropolitan to be rural. Please consult your State agency for further clarification on these concepts or reference OMB Bulletin No. 03-04 (SFSP: Using Metropolitan Statistical Area Data for Determining Rural Administrative Reimbursements, March 26, 2004).

Camp Reimbursement (7 CFR 225.9(d)(10) and 225.16(b)(1))

By law, camp sponsors can only be reimbursed for meals served to children who are eligible for free or reduced price-meals according to the income guidelines for the NSLP and SBP. With State agency approval, camps may claim reimbursement for serving up to three meals or two meals and one snack to eligible children each day. Therefore, a camp may not claim reimbursement for snacks on days that it claims reimbursement for breakfast, lunch, and supper. Alternately, a camp may not claim reimbursement for a third meal on days that it claims a snack for reimbursement.

Camp reimbursements are based on the number of children served who are eligible for free or reduced-priced meals. Sponsors of camps must maintain the documentation that demonstrates the free or reduced price eligibility of the children they claim reimbursement for and must make it available for review by the State agency. Camps may also charge non-eligible children a separate fee for meals.

Please see the Summer Food Service Program Claim Instructions and Form under Tab 9, Attachments 39 for claiming details.

Program Income

Funds accruing to the program must be documented, but will not be deducted from a sponsor’s reimbursement. Sources of funds that are considered program income include:

- cash donations specifically identified for use in the program; and

- any Federal, State or local funds specifically provided to the program.

Any reimbursements or funds that exceed a sponsor's expenditures must be used in a way that benefits SFSP services to children. Sponsors with funds remaining at the end of the Program year should use them as start-up funds or for improving SFSP services in the following year. Sponsors may not transfer excess funds to nonprogram operations or to increase salary or fringe benefit costs when the sole purpose of the increase is to reduce the food service program balance. If the sponsor will not be participating in SFSP the next year, funds may be used towards the sponsor's provision of other child nutrition programs. If the sponsor does not provide any other programs, the State will collect the excess funds.

Unallowable Costs

(FNS Instruction 796-4, Rev. 4)

Unallowable costs are costs for which program funds may not be used. They include, but are not limited to:

- Cost for excess meals ordered or prepared but not served to eligible children, i.e., meals in excess of legitimate program adult meals and reimbursable meals, unless specifically approved by the State agency;
- Meals served in violation of program requirements; e.g. meals served outside approved serving time, meals or components consumed off-site, second meals served in excess of the 2 percent tolerance;
- Rental costs for periods beyond the close-out date for program operation;
- Any other costs incurred that program officials determine to be in violation of applicable laws or regulations;
- The cost to purchase food (including coffee, etc.) for use outside of the SFSP;
- The cost of meals served to administrative adult personnel, or any other adults that are not in the operation of the food service;
- Cost of spoiled or damaged meals;
- For vended sponsors, the cost of meals delivered by a food service management company to a non-approved site, or for meals not delivered within the agreed upon delivery time, meals served in excess of the approved cap, spoiled or unwholesome meals, or meals that do not meet meal requirements or quality standards;
- Bad debts, which are any losses arising from non-collectible accounts and other claims and related costs;
- Repayment of over-claims and other Federal debts;

- Contributions and donations including contingency reserves, USDA-donated commodities and other donated food, labor, and supplies;
- Fines or penalties resulting from violations of, or failure to comply with Federal, State, or local laws and regulations;
- Entertainment and fundraising costs,
- Interest on loans, bond discounts, costs of financing and refinancing operations, and legal and professional fees paid in connection therewith;
- Costs resulting from an under-recovery of costs under other grant agreements; and
- Direct capital expenditures or option to purchase rental costs for: acquisition of land or any interest in land; acquisition or construction of buildings or facilities, or the alteration of existing buildings or facilities; non-expendable equipment of any kind; repairs that materially increase the value or useful life of buildings, facilities, or non-expendable equipment; and other capital assets, including vehicles.

For more information on allowable program costs, see Tab 9, Attachment 38 in the Attachments Section.

Claim for Reimbursement

Sponsors receive their program payments based on the number of meals served multiplied by the appropriate combined administrative and operating rates for reimbursement. Sponsors assume complete responsibility for all of the information they submit on their claims. Claims for reimbursement must reflect only meals that meet SFSP requirements and are actually served to eligible children during the claiming period (SFSP Policy, January 2, 2008; Nationwide Expansion of Summer Food Service Program Simplified Cost Accounting Procedures). Based on records that are regularly submitted by the sites, sponsors must report the number and type of first and second meals served to all children; sponsors of camps need to report the meals served to eligible children only. The total number of second meals claimed cannot exceed two percent of the number of first meals, for each type of meal served during the claiming period. State agencies can provide further guidance on serving second meals and on those situations where second meals will not be reimbursed.

Please see the Summer Food Service Program Claim Instructions and Form under Tab 9, Attachments 39 for claiming details.

Sponsors must maintain records of all operating and administrative costs, as well as any program income received. These records must be available for review by the State agency.

After the reimbursement claim form is completed, a sponsor must sign the form and send it to the State agency as soon as possible within the month following the month covered by the claim. Claims will not be paid if they are submitted more than 60 days after the last day of the month covered by the claim. The State agency may impose a shorter deadline for submission of the claim within the 60-day requirement. Revised claims that reflect a change in reimbursement amount must be submitted within 90 days.

State agencies may establish additional program requirements; however, they must be consistent with the regulations, and they may not deny program benefits to otherwise eligible institutions, areas or participants. State agencies and institutions are encouraged to streamline recordkeeping and reporting systems by establishing an Internet or electronic-based system, including but not limited to application submissions and claims processing. However, any electronic system must include a means to fully access program benefits without Internet or computer access and must not create a barrier to participation. Otherwise, an eligible institution or individual might be denied access to program benefits.

In cases where participating institutions are unable or unwilling to implement electronic based systems, it may not be reasonable to expect that a State agency will be able to provide the same level of service that users of electronic systems receive. On the other hand, States must still meet all regulatory requirements (SFSP Policy June 15, 2007: Electronic Record and Reporting Systems).

Wisconsin encourages all sponsors to submit claims on-line. Due to decreased staff time entering data, sponsors will receive reimbursement faster. Please visit DPI's On-line Services <http://dpi.wi.gov/fns/index.html> for the SFSP Internet Claim Manual and to enter the SFSP claims on-line.

State agencies may allow sponsors to consolidate claims as follows:

- 10 days or less in their initial month of operation combined with the claim for the subsequent month; or
- up to three consecutive months may be combined, as long as the combined claim only includes 10 days or less from the first and last month of program operations (i.e., a total of 20 extra days).

If a sponsor operates for less than 10 days in the final month, it may combine the claim for the final month with the claim for the previous month. This combined claim must be submitted to the State agency within 60 days of the last day of operation (SFSP Policy, May 15, 2000; Authority for Sponsors to Combine Claims for Reimbursement).

Management Responsibilities

(7 CFR 225.15 (a)(3))

Sponsors may not contract out management responsibilities of the program, including but not limited to the following tasks:

- meal ordering;
- assuming official recordkeeping responsibilities, including meal count information to substantiate claims;
- submitting claims;
- training and monitoring administrative and site staff;
- announcing availability of meals to the news media; and
- determining income eligibility and maintaining individual income eligibility statements

Sponsors should check with the State agency before allowing a food service management company to undertake any other tasks that may be considered management functions or any tasks that are related to the bulleted items listed above.

Non-Reimbursable Meals

Sponsors may claim reimbursement only for those meals that meet SFSP requirements. Reimbursement may not be claimed for:

- meals not served as a complete unit (except in “offer versus serve” sites where complete meals must be offered to participants);
- meal patterns or types not approved by State agencies;
- meals served at sites not approved by State agencies;
- meals consumed off-site (this does not include a fruit or vegetable that the State agency and sponsor **may** allow to be taken off-site);
- more than one meal served to a child at a time;
- second meals in excess of 2 percent of the number of first meals served by type during the claiming period;
- meals served outside of approved timeframes or approved dates of operation;
- meals served to ineligible children in camps (those not meeting the income eligibility guidelines for free or reduced price school meals);
- meals that are spoiled or damaged;
- meals in excess of the site’s approved level of meal service (cap for vended sponsors);
- meals that were not served; and
- meals served to anyone other than eligible children.

FNS Instruction 796-4, Rev. 4, Financial Management – Summer Food Service Program for Children, provides information on establishing standards, principles and guidelines in the development and maintenance of financial management systems. The State agency can provide this information.

Chapter 5 – Recordkeeping

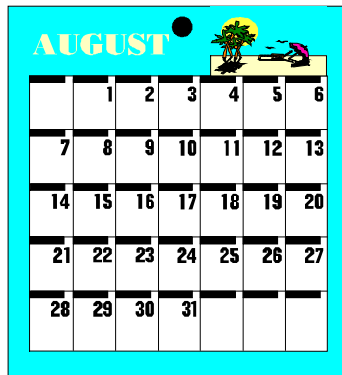
In this chapter, you will find information on what records must be kept for:

- meal counts;
- operating costs;
- administrative costs;
- funds accruing to the program;
- training records;
- visits and reviews; and
- retention of records.

Sponsors must keep full and accurate records so they can substantiate the number of program meals that they have submitted on each claim for reimbursement and that SFSP funds are used only for allowable SFSP costs.

To justify claims for reimbursement, sponsors must maintain the following records:

- records of meal counts taken daily at each site;
- records of program operating costs, including food, and other costs;
- records of program administrative costs, including labor and supplies; and
- records of funds accruing to the program.



Meal Counts

All sponsors must use daily site records in order to document the number of program meals they have served to children. The sponsor must provide all necessary record sheets to the sites. Site supervisors are then responsible for keeping the records each day. The site personnel must complete the records based on actual counts taken at each site for each meal service on each day of operation. Site personnel must be sure that they record all required counts. These counts should include the number of:

- meals delivered or prepared, by type (breakfast, snack, lunch, supper)
 - Vended programs must support this information with a signed delivery receipt.
 - Programs with a central kitchen should also support this information with a signed delivery receipt for good program management.
 - A designated member of the site staff must verify the adequacy and number of meals delivered by checking the meals when they are delivered to the site.
- complete first meals served to children, by type;
- complete second meals served to children, by type;
- excess meals or meals leftover;
- non-reimbursable meals;
- meals served to program adults, if any; and
- meals served to non-program adults, if any.

Sponsors should collect these site records at least every week. They may have their monitors pick up site reports on designated days, or the site supervisors may be asked to mail the records to the sponsor's office. When they collect the site records, sponsors should check for the site supervisor's signature. Any sponsor serving vended meals must be sure that the figure entered as the number of meals delivered on the site record is the same as that entered on the vendor's report. If there is any discrepancy between the numbers, the sponsor should immediately contact the vendor and site supervisor and resolve the problem. The sponsor should make a permanent note of the discrepancy as well as the action that was taken to resolve it.

Daily Meal Count Forms can be found under Tab 10, Attachments 42. A consolidated (weekly) meal count form is also included as Attachment 42.

Operating Costs

(7 CFR 225.2 definitions and FNS Instruction 796-4, Rev. 4)

Operating costs are allowable costs incurred by the sponsor for preparing and serving meals to eligible children and program adults. These costs include, but are not limited to, cost of food used, labor, nonfood supplies, and space for the food service. Rural sites may include costs that are directly incurred in transporting children from rural homes to rural food service sites. All costs must be fully documented and they must represent actual program costs.

Food Costs for Onsite Preparation (FNS Instruction 796-4, Rev. 4)

The data that is necessary for computing the cost of food used is more extensive when sponsors prepare their own meals onsite or at a central kitchen. Records to support the cost of food used should include, at a minimum:

- receiving reports that record the amount of food received from the supplier;
- purchasing invoices;
- records of any returns, discounts, or other credits not reflected on purchase invoices;
- inventory records that show the kinds of food items on hand at the beginning and end of the inventory period, the quantity of each item, documented major inventory adjustments, and the total value of the beginning and ending inventory; and
- canceled checks or other forms of receipt for payment.

Food costs cover the cost of purchases and the cost of processing, transporting, storing, and handling food that is donated (including USDA Foods) or purchased by the sponsor. Sponsors cannot charge the program for major reductions of food in stock that are the result of fire, theft, spoilage, contamination, or any event other than normal usage. Tab 10, Attachment 40 in the Attachment Section provides a sample inventory form and instructions for sponsors that prepare meals on-site or at a central kitchen.

Food Costs for Vended Programs (FNS Instruction 796-4, Rev. 4)

The cost of food used means the cost of the preparation or the cost of preparation and delivery of meals charged to the sponsor by the food service management company or the school facility. This cannot include charges for meals delivered to non-approved sites, meals not delivered within the established delivery time, meals that are spoiled or do not meet meal pattern requirements, or meals that do not meet the

requirements or terms of the contract. The sponsor should not pay the food service management company or school facility for these meals. The sponsor must maintain records that include the signed delivery slips to support the claim for reimbursement.

The delivery slip must provide sufficient detail to document compliance with SFSP requirements. The delivery slip is the sponsor's only identifier that the meal served matched the menu for that day, unless a substitution has been indicated. Although the Federal regulations do not specifically define what should be addressed on the delivery slips, the site supervisor or designated site personnel should:

- determine what meals they are signing for on the delivery slip,
- check the quantity,
- ensure that meals meet the meal pattern requirements,
- note any errors/differences on the delivery slip, and
- maintain the signed detailed delivery slip to support the sponsors claim for reimbursement.

It is strongly encouraged that the delivery slip, at a minimum, includes:

- what meal is being delivered,
- the number of meals delivered, and
- the delivery date and time.

Labor Costs (FNS Instruction 796-4, Rev. 4)

Labor costs include compensation by sponsors for labor that is required to prepare and serve meals, to supervise children during the meal service, and to clean up after the meal service. These costs may include wages, salaries, employee benefits, and the share of taxes paid by the sponsor.

Sponsors must keep accurate time and attendance records for all labor costs that are attributed to the SFSP. A sample Staff Time Report for food service and site staff is included in the Attachment Section, Tab 10, Attachment 41.

Other Operating Costs (FNS Instruction 796-4, Rev. 4)

Other operating costs may include, but are not limited to:

- costs of nonfood supplies;
- rental costs for buildings, food service equipment, and vehicles;
- utility costs; and
- mileage allowances.

A sample mileage form for food service and site staff is included in the Attachment Section as Tab 10, Attachment 43. If sponsors feel that they may have “other” costs that are not listed, they may contact the State agency for a determination as to whether or not they may use reimbursement to cover those costs. Sponsors must keep all records and documentation to support any costs that they claim for reimbursement.

Administrative Costs

(7 CFR 225.2 definitions, FNS Instruction 796-4, Rev 4)

Administrative costs are costs incurred by the sponsor for activities related to planning, organizing, and administering the program. Generally, these activities include:

- preparing and submitting an application for participation, including a management plan containing budgets of operating and administrative costs, and staffing and monitoring plans;
- establishing the eligibility of open or restricted open sites by collecting school or census tract data or family income eligibility forms for closed enrolled sites to determine if 50 percent or more of the children are eligible;
- for camps, determining the number of children eligible based on a review of family size and income forms;
- attending training provided by the State agency;
- hiring and training site and administrative personnel;
- visiting sites, reviewing and monitoring operations at sites, and documenting these visits and reviews;
- preparing and submitting a plan for and summary of the invitation to bid when the sponsor wants to contract with a food service management company;
- preparing and submitting claims for reimbursement; and
- performing other activities that are necessary for planning, organizing, and managing the program.

Generally, costs incurred for these activities are:

- labor costs for administrative activities;
- rental costs for offices, office equipment, and vehicles;
- vehicle allowance and parking expenses;
- office supplies;
- communications;
- insurance and indemnification;
- audits; and
- travel.

Maintaining Records of Costs

(7 CFR 225.15(c))

Records must be maintained that document the amount and purpose of all administrative costs attributed to SFSP. For example, time and attendance records must be kept to document labor costs. Various prototype forms can be found under Tab 10 in the Attachment Section.

Tracking Funds

Sponsors must be able to account for the receipt, obligation, and expenditure of all SFSP funds. However, this does not mean that sponsors are necessarily required to maintain SFSP funds in a separate bank account from other institution expenditures. Sponsors must ensure that all SFSP reimbursements are being used solely for conducting nonprofit food service operations.

When an institution's total food service is not conducted principally for the benefit of its own SFSP participants, the nonprogram and program components of the food service operation must be tracked separately. Through this separation, the institution must ensure that the SFSP nonprofit food service program component does not support any nonprogram food service activities such as vending or catering operations or adult meal services.

Funds Accruing to the Program

Funds accruing to the food service include all funds received from Federal, State, local, and other sources, except program advances, startup funds, or reimbursement payments received from the State agency. These funds must be designated specifically for the SFSP. Records reflecting income may include:

- deposit records,
- voucher stubs, or
- receipts.

Training

(7 CFR 225.9(c)(1))

Sponsors must keep records that document:

- date(s) of training for site and administrative personnel,
- attendance at each training session by having all attendees sign an attendance form, and
- topics covered at each training session.

Tab 6, Attachment 28 may be used to document group training. Sponsors that have requested advance payments for operating costs must send certification that they have completed training for site and administrative personnel to the State agency. Without this certification, the State agency will not release the second advance payment for operating costs to the sponsor. This requirement, however, does not apply to school sponsors.

If a non-school sponsor is in need of a 2nd advance payment and qualifies, a completed PI-1491 must be submitted to DPI in order for the sponsor to receive a 2nd advance. Please contact DPI for a copy of the form.

Site Visits

(7 CFR 225.14 (c)(6) and 225.15 (d)(2) and (3))

Sponsors must be able to document that they have met their monitoring requirements. Monitors must submit a report for:

- pre-operational site visits,
- site visits during the first week of program operations, and
- site visits throughout the summer.

A sample Pre-Operational Visit (Tab 7, Attachment 29) the sample First Week Site Visit Forms (Attachment 30 & 31) are included in the Attachment Section.

Site Reviews

(7 CFR 225.15(d) (3))

Monitors must submit a review report form for each site review during the first four weeks of program operations, and for site reviews throughout the duration of the program. This form will contain much of the same information as the Site Visit Form plus information concerning meal preparation and delivery schedules, the quality and accuracy of site records and recordkeeping, the regular adjustment of meal orders, and whether changes are made in menus. A Site Review Forms are included under Tab 7, Attachments 32 and 33.

Checklist of Records

There are a number of additional records you must maintain in your files. These records and the records discussed in this chapter are summarized in Tab 10, Attachment 47 -- Checklist of Records.

**Retention of Records
(7 CFR 225.8(a))**

As a sponsor, you must maintain all records for three years after the end of the fiscal year of operation, or longer if required by the State agency. These records must be accessible to Federal and State agency personnel for audit and review purposes. Further, these records can only be disposed of after three years if there are no unresolved audit findings or the program is not under investigation.

Chapter 6 – Administrative Reviews

In this chapter, you will find information on:

- review procedures and statistical monitoring,
- violations of program requirements, and
- how to create a corrective action plan.

During the course of the summer, State agencies will complete an administrative review of most sponsors' program operations. This administrative review will involve visits by State agency personnel to the sponsor's site(s) and office. The reviews are designed to ensure that a sponsor's overall program is operating according to requirements and to provide technical assistance to a sponsor if there are questions about program operations.

Review Procedures

(7 CFR 225.7(d)(2))

A State agency review of site operations should involve observing the meal service operations and the recordkeeping at the site. A review at the sponsor level should involve a review of how the claim for reimbursement is assembled and a review of the records maintained by the sponsor. Regardless of the specific administrative review procedures, all sponsors must make their records available for the State agency's review and must implement all corrective actions recommended by the State agency. The results of an administrative review may affect the amount of reimbursement a sponsor will receive.

Statistical Monitoring

(7 CFR 225.7(d)(8))

The State agency may elect to use statistical monitoring procedures when it conducts administrative reviews of sponsors. The State agency may use the results of statistical monitoring to determine the sponsor's reimbursement. The State agency will inform the sponsor if it plans to use statistical monitoring and will provide the sponsor with the necessary information on its procedures for conducting statistical monitoring. The State agency can provide additional information on the use of statistical monitoring.

Violations

(7 CFR 225.11(c)(1-4))

Violations of program requirements may result in withholding or recovery of reimbursements, temporary suspension, or termination and exclusion from future program participation.

Program violations include but are not limited to:

- Noncompliance with the time requirements between meals.
- Failure to maintain adequate site or sponsor records.
- Failure to adjust meal orders to conform to changes in site attendance.
- Failure to have a trained site supervisor at each site during the meal service.
- Serving more than one meal to a child at one time.
- Children eating complete meals off-site (Note: This does not refer to the permissible practice of allowing children to take a piece of fruit or vegetable off-site.)
- Claiming meals that were not served to eligible children.
- Serving meals (or in the case of OVS sites, offering meals) that do not include all required meal components and/or correct quantities.
- Failure to report sites to health department.
- Continued use of food service management companies/commercial meal vendor that violate health codes.
- Submission of false information to the State agency.
- Use of program funds for unallowable costs.
- Failure to return excess startup or advance payments to the State agency.
- Not adhering to competitive bid procedures.
- Noncompliance with civil rights laws and regulations.

**Corrective Action Plan
(7 CFR 225.11(f))**

When the State agency finds violations during a site review, it will require the sponsor to correct the problems found. If the State agency finds a high level of meal service violations at a site, it will immediately require the sponsor to follow a specific corrective action plan. The State agency will initiate a follow-up system to ensure that sponsors take the specific action (as outlined in the plan) for correcting site violations.

Tab 5, Attachment 25 describes Wisconsin's Appeal Procedures should a sponsor contest a finding. Tab 11, Attachment 48 contains a list of sponsors that are scheduled for a review this summer.

State Agencies are required to have a Seriously Deficient Policy. Wisconsin's Policy is located under Tab 5, Attachment 26. Failure to take acceptable corrective action in the response to a declaration of serious deficiency will be grounds for either denial or termination of the application/agreement for participating in the SFSP.

Chapter 7 – **Part II** Questions and Answers

1. Once I'm approved to operate the program, what are my training responsibilities?

Training is one of the sponsor's major administrative responsibilities. A smoothly operating program will require that training be provided by sponsors throughout the duration of the program. A comprehensive training effort, including weekly or biweekly meetings on program requirements, will help to make certain that the monitor, site, and administrative personnel are performing according to program regulations. Sponsors should attend State agency training and then train both their administrative and site personnel before these staff members undertake their responsibilities. SFSP regulations require that no food service site may operate until personnel at the site have attended at least one of the sponsor's training sessions.

2. What are my monitoring requirements for the SFSP?

An efficient and capable monitoring staff is essential to the success of any sponsor's program. Monitors must ensure that the site operates the program according to program guidelines. This requires a pre-operational visit, which is conducted before a site operates the SFSP. These visits are required for all sites to determine that the sites have the facilities to provide meal service for the anticipated number of children in attendance. Also, a sponsor must visit all sites at least once during the first week of operation to make sure the food service operation is running smoothly and to verify information such as the site address, storage, holding and preparation facilities, and serving capabilities. Further, sponsors must conduct site reviews at least once during the first four weeks of program operations to observe delivery or preparation of meals, service of meals, children eating the meals, and clean up after meals.

3. What are my civil right requirements?

All participating sponsors must inform potential beneficiaries, particularly minorities, of the availability of the SFSP. Sponsors are required to display the nondiscrimination poster in a prominent place at the site and the sponsor's office. Also sponsors need to make program information available to the public, make reasonable efforts to provide information in the appropriate translations and include the nondiscrimination statement and instructions for filing a complaint on all materials directed to participants and their families. In addition, sponsors must ensure meals are served to all attending children regardless of race, color, national origin, sex, age or disability and make sure all children have equal access to

services and facilities. All sponsors must collect beneficiary data each year by racial/ethnic category for each site under the sponsor's jurisdiction

4. Can I request an advance payment from the State agency?

Yes. When sponsors apply for the program they may request advance payments to assist in meeting operation and administrative expenses. These payments will be advances on the reimbursement received for a month of operation and will be deducted from future reimbursement payments. The advances help maintain a positive cash flow by making funds available to meet program costs as they arise throughout the month.

5. Will I be reimbursed for all of my costs associated with running the SFSP?

The amount of reimbursement you receive is an amount equal to the number of eligible meals served to children, multiplied by the current combined administrative and operating reimbursement rates. The reimbursement is intended to help cover the administrative and operating costs of running the SFSP. However, the reimbursements you receive may not be enough to cover all of your Program costs.

6. How do I receive my reimbursement?

Reimbursement is based on the claims for reimbursement that you submit to your State agency. Claims for reimbursement reflect meals that meet SFSP requirements and are served to eligible children during the claiming period. Claims must be submitted to your State agency within 60 days after the last day of the operating month.

7. What type of records do I need to keep for the program?

To substantiate your claim for reimbursement, you will need to keep all records of meal counts taken daily at each site, operating costs including food and other costs, administrative costs including labor and supplies, and funds accruing to the program. In addition, records need to be maintained that document the training you have provided for your site and administrative personnel and document you have met your monitoring requirements. Additionally, records that document your eligibility for the SFSP such as the application to participate in the SFSP and the signed agreement with the State agency must be maintained.

8. How long am I required to maintain these records?

Sponsors must maintain all records for three years following the submission date of the final claim for reimbursement, or longer if required by your State agency. For audit and review purposes these records will need to be made available upon request to Federal and State agency personnel. Further, records can only be disposed of if there are no unresolved audit findings or the program is not under investigation.

9. Will my program be reviewed by the State agency?

Sponsors will receive a periodic administrative review by the State agency or FNS Regional Office staff during the course of operations, which will include a review of the office and at least one site. Sponsors must make records available for the State agency reviewer and must take any corrective actions required by the State agency. Results of an administrative review may affect the amount of reimbursement a program will receive. The review may involve assessing how the claim for reimbursement is prepared and looking at the records maintained by the organization. It will also include a look at site operations to observe the meal service operation and recordkeeping.



PART III – FOOD SERVICE MANAGEMENT COMPANIES

In this part, you will find information on:

- soliciting food services from local schools;
- selecting a food service management company;
- invitation for bid and contract;
- competitive bid waivers and standard competitive bid procedures;
- bid specifications; and
- how to award and administer a contract for food service.

Please see Tab 4, Attachments 16A, 16B, 20, and 21 as it applies to purchasing meals only OR meals and food service management services. Attachment 20 outlines the Procurement Rules for the SFSP.

Contracting with a Food Service Management Company

What is a Food Service Management Company?

(7 CFR 225.2 definitions)

In the SFSP, the term "food service management company (FSMC)" means any commercial enterprise or nonprofit organization with which a sponsor may contract for preparing unitized meals, with or without milk, for use in the program, or for managing a sponsor's food service operations in accordance with the limitations set forth in the program regulations on *management responsibilities of sponsors*. Food service management companies may be (a) public agencies or entities; (b) private nonprofit organizations; or (c) private, for-profit companies.

Are there any limitations on what a FSMC can do?

(7 CFR 225.15(a) (3))

There are some specific program management responsibilities that sponsors may not contract out to an FSMC, including, but not limited to:

- meal ordering,
- assuming official recordkeeping responsibilities, including meal count information to substantiate claims,
- submitting claims,
- training and monitoring administrative and site staff,
- announcing availability of meals to the news media, and
- determining income eligibility and maintaining individual income eligibility statements.

Sponsors should check with the State agency before allowing an FSMC to undertake any other tasks that may have been identified as management functions that may not be delegated.

Factors Involved with Contracting a FSMC

(7 CFR 225.2 definitions, 225.6(g) and (h), and 225.15(h))

There are several factors that can influence a sponsor's decision to contract for meals with an FSMC. These factors may include the sponsor's lack of food preparation facilities or personnel, a site that is unsuited for meal preparation, or a large number of sites spread over a wide geographical area.

Sponsors that decide to contract with an FSMC to obtain meals are called "vended sponsors" and must meet various program requirements and follow certain procedures. FSMCs that enter into a contract with a sponsor to prepare and deliver meals must provide meals that comply with program regulations and their contract with the sponsor.

The duration of an agreement with an FSMC generally is limited to a single year, due to the nature and design of the SFSP. However, to be consistent in the administration of all child nutrition programs, SFSP sponsors, with State agency approval, may execute agreements with FSMCs that include an option for renewal that does not exceed four additional years from the original agreement. This optional extended agreement streamlines the procurement process with FSMC contracts but does not compromise the integrity of SFSP. Every precaution must be taken to ensure procurements are conducted in accordance with Federal procurement standards. And, all contracts shall include a termination clause whereby either party may cancel for cause with a 60-day notification. Sponsors should contact the State agency for more details (SFSP 09-2007, July 27, 2007, Food Service Management Company Contracts).

It is important that both sponsors and FSMCs (including commercial meal vendors) are familiar with the information in this section. A successful vended operation depends on both parties fully understanding their mutual responsibilities in the program.

Soliciting Local Schools (7 CFR 225.15(b)(1))

Federal regulations strongly encourage sponsors to first consider their local school food authority (SFA) as a source for obtaining meal service. Using the facilities of local public or private schools to prepare or obtain meals offers the sponsor several advantages. These schools often prepare large numbers of meals during the school year and already have the facilities and the staff to prepare meals for the SFSP. In addition, many schools are accustomed to preparing meals that meet USDA requirements if they participate in other child nutrition programs. Also, the agreement needed to obtain the service of an SFA is simpler to execute than the formal competitive procurement process that is required to use a commercial company.

When assessing a school's ability to provide meal service, sponsors must consider whether or not an adequate delivery service to sites can be

established and whether the meals prepared by the school are comparable in price and quality to those available from commercial vendors.

Sponsors that use local SFA facilities must enter into a written agreement with the school, but are not required to utilize the competitive bid procedures described below if the school itself does not obtain its meals from an FSMC. (Attachment 7 in the Reference Section includes a sample agreement between the school and sponsor to furnish prepared meals.)

Year-Round Contracts With School Food Authorities

Generally, if the school itself obtains its meals from an FSMC, the sponsor may not enter into an agreement for meal service, but must use the competitive bid procedures described below.

However, if a sponsor is considering using an SFA that has executed a year-round contract with an FSMC it may be permitted to enter into an agreement with the SFA. The sponsor should check with the State agency before implementing a contract to determine whether SFSP meals may be included in a contract that was competitively procured on a cost-plus-fixed fee basis (Policy Memo #1-04; Contract Requirements for School Sponsors: March 2, 2004).

Selecting a Company

If a written agreement with a local school is not possible or is not beneficial, sponsors may contract with an FSMC to prepare and deliver meals. There are specific management responsibilities that sponsors may not contract out, such as monitoring, staff training, enforcing corrective action, or preparing program applications and claims for reimbursement. Sponsors remain legally responsible for ensuring that the food service operation meets all requirements specified in the agreement they sign with the State agency. It is also important to note that the contract is between the sponsoring organization and the FSMC only, and neither USDA nor the State agency have jurisdiction to enforce it with either party, or resolve any disputes that may arise.

Tab 4, Attachment 16B may be used to contract for meals only if the contract is not expected to exceed \$100,000. See Attachment 20 for a detailed explanation of Procurement Rules.

Procurement

All procurement of food, supplies, goods, and other services with program funds by sponsors must comply with procurement standards prescribed in USDA's Uniform Federal Assistance Regulations, 7 CFR Part 3016 for public sponsors, 7 CFR Part 3019 for private non-profit sponsors, and 7 CFR Part 225 Summer Food Service Program regulations. (Note: USDA issued a final rule on August 14, 2000, that established Part 3016 and Part 3019 as the appropriate USDA procurement regulations for USDA entitlement programs, including the SFSP and other child nutrition programs.) The State agency will make these documents available to sponsors upon request, and can provide more detailed information about

these minimum purchasing requirements. In addition to complying with the minimum Federal standards, sponsor purchases may have to meet other State, local, and/or State agency standards, as well as special procurement requirements which may be established by the State agency, with approval of FNS, to prevent fraud, waste, and program abuse.

Minority Business Enterprise

(7 CFR 3016.36(e), 3019.44(b) and 7 CFR 225.17))

All sponsors are encouraged to take affirmative steps to ensure that minority firms and women's business enterprises are used when possible. Affirmative steps may include placing such businesses on solicitation lists and ensuring such businesses are solicited whenever they are deemed potential sources. When economically feasible, sponsors may wish to divide their total procurement needs into smaller quantities to facilitate participation by minority business enterprises. They may also want to establish delivery schedules that will help minority business enterprises meet deadlines. Sponsors can use the services and assistance of the Small Business Administration and the Office of Minority Business Enterprise of the Department of Commerce.

Invitation for Bid and Contract

(7 CFR 225.6(h)(2))

State agencies may require all sponsors under their jurisdiction to use a standard contract for meals provided by an FSMC. These standard contracts may vary according to different State and local requirements. This document can serve a dual purpose. It may contain the specific information a bidder needs to submit (The Invitation for Bid) and, upon acceptance of the bid and execution, it becomes the contract.

Formal Competitive Bid Waivers

(7 CFR 225.15(h)(4))

Sponsors that choose to purchase meals from SFAs are not required to conduct competitive procurements to obtain those meals but must still enter into agreements which include the terms and conditions of the purchasing arrangements with the SFAs. Sponsors that are schools or SFAs and have an exclusive contract with an FSMC for year-round service; and sponsors whose total contracts with FSMCs will not exceed \$100,000, or any applicable State or local thresholds, are not required to comply with the competitive sealed bid procedures provided below. In addition to any applicable State or local laws governing bid procedures, all other sponsors that contract with an FSMC shall comply with the competitive sealed bid procedures below. The State agency is responsible for ensuring that contracting and bidding procedures meet USDA requirements and will provide technical assistance to sponsors to help them meet these requirements (SFSP 08-2008, July 3, 2008; Simplified Acquisition Threshold).

Formal Competitive Sealed Bid Procedures (7 CFR 225.15(m)(4)(i)-(xii))

Formal competitive sealed bid procedures include five steps:

1. Preparing an Invitation for Bid (IFB) package.
2. Publicly announcing all IFBs not less than 14 days before bids are opened. Announcements must include the time and place of the bid opening.
3. Notifying the State agency of the time and place at least 14 days before the bid opening.
4. Publicly opening all bids.
5. Submitting to the State agency copies of all contracts, a certificate of independent price determination, and copies of all bids received, as well as the sponsor's reason for selecting the chosen FSMC. (In some cases, these documents must be submitted to the State agency before issuing a contract award.)

Careful preparation of the IFB is the most important step in the competitive bid process. Sponsors must supply the IFB to all companies responding to the public announcement.

The sponsor's IFB must include:

- a cycle menu approved by the State agency;
- food specifications and meal quality standards;
- a statement requiring compliance with SFSP regulations;
- nonfood items essential for conducting the food service;
- special meal requirements to meet ethnic or religious needs or dietary modifications for children with special physical or medical needs, only if these are necessary to meet the needs of the children to be served; and
- the location of the sponsor's sites and the estimated range of meals required.

The sponsor's IFB must **not**:

- specify a minimum price;
- provide for loans or any other monetary benefit, term, or condition to be made to sponsors by FSMCs; nor
- include nonfood items that are not essential to the conduct of food service.



Bid Bond

(7 CFR 225.15(h)(5))

If FSMCs submit a bid over \$100,000, they must submit a bid bond in an amount not less than 5 percent and no more than 10 percent of the value of the contract for which the bid is made, as determined by the sponsor and specified in the IFB. Food service management companies are prohibited from posing any alternative forms of bid bonds. Cash, certified checks, letters of credit, and escrow accounts, are not acceptable substitutes for bid bonds. The bond must be from one of the companies listed in the most recent issue of the United States Department of Treasury Circular 570, which is available from the Government Printing Office for a small fee. Sponsors may obtain a copy by calling (202) 512-1800, or by downloading at: <http://www.fms.treas.gov/c570/index.html>.

It is important that the FSMC respond to the IFB accurately and completely. FSMCs that attempt to modify any provision of the IFB, or otherwise fail to comply with all IFB requirements, will be considered "non-responsive" and ineligible for contract award. A more detailed discussion of bid specifications follows.

Bid Specifications

Sponsor Responsibilities (7 CFR 225.6(h)(2)). The sponsor must include the following information in the IFB so that bidders will know the exact terms of the bid.

- **Site Information (7 CFR 225.6(h)(2)(iii)):** The sponsor must include a list of proposed site names, addresses, delivery locations, times of meal service, and days of operation. With this information, a bidder can estimate the cost of delivery and the feasibility of meeting the sponsor's requirements. The sponsor should specify in the IFB that single deliveries for multiple meals (e.g., breakfast and lunch) are allowed only at those sites that are equipped with adequate storage and refrigeration facilities.
- **Cycle Menu (7 CFR 225.15 (h)(4)(v) and (vii)):** The sponsor also must attach a cycle menu that lists the types and amounts of food in each meal. Program regulations specify minimum meal pattern requirements, but sponsors may improve upon these minimums to increase the variety and appeal of menus. Sponsors may request approval from the State agency for variations from the meal requirements only when necessary to meet ethnic, religious, economic, or nutritional needs.
- **Meal Requirements (7 CFR 225.15(h)(4)(vi) and 225.7(c)):** As part of the IFB, the sponsor must provide the FSMC with a copy of the meal requirements outlined in Section 225.16 of the SFSP regulations. The sponsor also must provide a copy of the minimum food specifications and model meal quality standards required by Section 225.7(c) of the SFSP regulations. The FSMC must deliver

meals that meet these meal requirements and minimum food specifications and model meal quality standards.

Reimbursable Meals (7 CFR 225.6(h)(2)(ix) and 225.15(h)(4)(ix)):

Under the provisions of the contract between the sponsor and the FSMC, the sponsor is required to pay only for the delivered meals that meet these requirements and should not pay for ineligible meals. Similarly, the sponsor will receive payments from the State agency only for meals that meet these requirements.

Quality Control: An effective quality control system is essential for verifying that meal components meet the minimum quantity requirements. During food preparation, the FSMC should regularly inspect and measure items to ensure correct sizes and weights. Setting production equipment for the desired specifications is no substitute for a quality control system, because equipment settings may become distorted during operation. State agencies and sponsors are responsible for sampling meals and disallowing payment for meals that fail to meet minimum standards. The entire meal must be disallowed for reimbursement if any component does not meet minimum standards.

Unitized Meals (7 CFR 225.6(h)(3)): Sponsors must ensure that FSMCs provide "unitized" meals with or without milk or juice. This means that meals must be individually portioned, packaged, delivered, and served as a unit. The milk or juice may be packaged and provided separately, but must be served with the meal unit. Other variations of unitized meals can be approved by the State agency.

USDA Foods (7 CFR 225.9(b)): Sponsors of vended programs can only receive USDA Foods if the vendor is a school or school district, or if the sponsor is an SFA that competitively procures its SFSP meals from the same FSMC that competitively provided its most recent NSLP meals.

Meal Range Adjustments (7 CFR 225.6(h)(2)(xi)): Actual participation under a given sponsorship frequently varies from the estimate specified in the IFB. The FSMC bases a bid on the specifications and expects to be serving close to the number of meals listed in the estimate. A sizeable discrepancy between estimated and actual participation can increase or decrease the FSMC's unit production cost. Therefore, the sponsor must carefully estimate the number of meals it will need each day. Sponsors also should consider including a provision that will decrease the per-meal price if the number of meals served exceeds expectations. Sponsors may increase or decrease the number of meals specified in the IFB only after notifying the FSMC. Sponsors should consider specifying in the IFB a time period during which changes in a site's meal orders may be made to the vendor. A reasonable time frame for notifying the vendor may be within 24 to 36 hours of the change. Increases in maximum meal

service levels at sites receiving vended meals must be approved by the State agency.

Special Accounts (7 CFR 225.6(f)): The State agency may require sponsors to set up special accounts at financial institutions. If such accounts are established, the sponsor must deposit any payments received from the State agency in the special account. Both the FSMC and the sponsor must authorize any checks drawn on this account. This is to help ensure that the company receives payment for the eligible meals it provides to the sponsor's program.

Food Service Management Company Requirements

There are several specific requirements FSMCs should be aware of before submitting a bid. These requirements are:

- **Health Certification and Inspection (7 CFR 225.6(h)(2)(v)):** An FSMC must have State or local health certification for the facility(ies) used to prepare meals for the SFSP. The company must ensure that health and sanitation requirements are met at all times. In addition, the company must ask local health authorities or independent agencies to periodically inspect the meals they serve to determine bacteria levels. These levels must conform to the standards set by local health authorities. The company must submit the results of the inspections promptly to the sponsor and the State agency.
- **State Agency Inspections (7 CFR 225.7(d) (6) and (e)):** FSMCs also should be aware that the State agency must inspect the FSMC's facilities as part of the sponsor review. In addition, the State agency may conduct inspections of food preparation facilities and food service sites and perform meal quality tests. This inspection is independent of the one the FSMC provides.
- **Records (7 CFR 225.6(h)(2)(vii)):** FSMCs must maintain records (supported by invoices, receipts, or other evidence) that the sponsor needs to meet program responsibilities. Companies must report to the sponsor at the end of each month, at a minimum. The FSMC must keep the books and records concerning the sponsor's food service operations for three years, or longer if required by the State agency, from the date of receipt of final payment under the contract. Representatives of the State agency, USDA, and the United States General Accountability Office may examine or audit these records at any reasonable time and place. Records must be retained longer if there is an unresolved audit or investigation.
- **Subcontracts (7 CFR 225.6(h)(2)(ii)):** FSMCs may not subcontract with another company for the total meal (with or without milk) or for assembling of the meal. Subcontracting is prohibited because it inflates costs and lessens the sponsor's control

over the quality and supply of the meals.

- **Contract Responsibility (7 CFR 225.6(h)(2)(ix)):** It is important for the prospective FSMC to realize that the contract is a private contract between the FSMC and the sponsor. Neither USDA nor the State agency has any jurisdiction in the payments made to the FSMC. Before contracting to provide meals for the program, the FSMC needs to assess the sponsor's capability to meet the terms of the contract and the sponsor's capability to pay them for all meals that are properly delivered. If applicable, the company should become familiar with the sponsor's past performance in this or other federally funded programs.

Awarding the Contract

Sponsors should award the contract to the responsive and responsible bidder whose per-meal bid was lowest in price. "Responsive" bidders are those whose bids conform to all of the terms, conditions, and requirements of the IFB. Sponsors are encouraged to use the services of minority-owned companies and should consult local and State authorities regarding the applicability of preference and set-aside provisions. Only statutory or court decreed preferences and set-asides that are not excessive may be used.

The sponsor should award the contract at least two weeks before program operations will begin to allow time for both the FSMC and the sponsor to prepare. The sponsor must give to the State agency copies of all bids the sponsor received and the reason it chose that particular FSMC.

State Agency Approval (7 CFR 225.6(h)(6))

All bids totaling \$100,000 or more must be submitted to the State agency for approval before the sponsor can accept a bid. In addition, any bids (regardless of dollar amount) that exceed the lowest bid must be submitted to the State agency for approval before acceptance, with an explanation of why that particular bid was chosen. The IFB that the sponsor accepts will become the contract for program operations between the sponsor and the FSMC. The State agency will keep copies of all contracts between sponsors and FSMCs.

Bid Bond

(7 CFR 225.15 (h)(6))

When an FSMC and a sponsor enter into one or more contracts totaling over \$100,000, the company must obtain a performance bond from a surety company listed in the current United States Department of Treasury Circular 570. The Circular is available from the Government Printing Office for a small fee. Sponsors may obtain a copy by calling (202) 512-1800 or downloading the file from:
<http://www.fms.treas.gov/c570/index.html>.

The amount of the bond must be no less than 10 percent or no more than 25 percent of the value of the contract, as determined by the State agency and specified in the IFB. FSMCs are prohibited from posing any alternative forms of performance bonds. Cash, certified checks, letters of credit, and escrow accounts are not acceptable substitutes for performance bonds. The FSMC must furnish a copy of the bond to the sponsor within 10 days of the contract's award.

Award Conference

After awarding but before executing the contract, all sponsor and FSMC representatives should meet to discuss their mutual and individual responsibilities in the SFSP. In this meeting, which is called the award conference, the representatives should review the IFB's required procedures for adjusting meal deliveries, cycle menus, food quality specifications, and meal packaging, as well as sanitation requirements.

The FSMC also must be familiar with all State and local health requirements, particularly those concerning food preparation and meal delivery. Most vended meals are packaged to prevent contamination. Thus, the greatest danger usually results when meals are held too long or are stored under improper temperature controls. Sponsors should also inform the FSMC of the function of monitors, reviews, and statistical monitoring, if applicable, in the operation of SFSP.

Administering the Contract

Food Service Sites

Sponsors should provide the FSMC with a list of approved food service sites, along with the limit on the number of meals that may be claimed for reimbursement for each site. It is likely that some approved sites, for one reason or another, may have been canceled or dropped from participation before food service operations begin. A new list should be provided to the FSMC well before it is to start food service operations and at any other time during the program when sites are added or deleted. The sponsor should notify the company within the time limits mutually agreed upon in the contract if any site on its delivery schedule is going to be dropped or canceled.

Approved Meal Levels

During the application approval process, the State agency will approve sponsors that purchase meals from a FSMC to serve a maximum number of meals at each meal service for each site. The approved level represents the maximum number of meals sponsors can serve and claim for reimbursement at each meal service at their vended sites. The State agency may reduce the approved level at any time if it determines that a site's attendance is below its approved level. If a sponsor finds that the approved level is too low, the sponsor may seek an adjustment by requesting the State agency to conduct a site review; or the sponsor may document in writing (to the State agency) that attendance at a site exceeds the approved level.

Sponsors must plan for and adjust meal orders with the objective of serving only one meal to each child at each meal service. A vended sponsor must inform its FSMC of:

- the approved level for each meal service at each site where the FSMC will deliver meals; and
- any adjustments in the approved level for its sites.

Such sponsors must advise the FSMC that the approved level for each site is the maximum number of meals that can be served at that site. This does not mean that these sites will serve that specific number of meals each day. The sponsor must clearly inform its FSMC that it will only be ordering the number of meals actually needed, based on participation trends and with the intent of serving only one meal to each child at each meal service. During reviews, State agencies will disallow all served meals that exceed the approved level for each site.

Adjusting Meal Deliveries

One of the most important topics for discussion in the award conference is the adjustment of meal deliveries. As a sponsor, you should establish a system for collecting information on attendance changes from its sites, translating these changes into adjustments in the meal order, and communicating these adjustments to the FSMC. In turn, the FSMC should have an organized system for:

- receiving orders for delivery adjustments;
- documenting orders for delivery adjustments;
- adjusting production levels, if necessary;
- ensuring that delivery receipts are changed to reflect adjusted meal orders; and
- ensuring that adjusted meal orders for each site are correctly packaged and loaded for delivery.

The FSMC's key personnel must be aware of these responsibilities. For example, the FSMC's delivery personnel must understand that site

supervisors cannot independently request more or fewer meals. These requests must be channeled through the sponsor. Meal deliveries may be adjusted only by the sponsor. If the sponsor wants to order in excess of the approved meal level, State agency approval is required.

The attendance at sites will probably fluctuate during the duration of the program, especially if there is no organized activity at a site other than the food service. Sponsors should try to anticipate certain fluctuations in attendance (such as local events that may interfere with site participation) and make arrangements in advance with the FSMC to adjust orders. For example, a consistent drop in attendance each Friday should be handled by reducing the number of meals delivered on Fridays.

Whenever possible, meals should be transferred from a site with too many meals to a site with a shortage, provided that the site's approved meal level is not exceeded. Monitors should be aware of the procedures for handling extra meals so they can assist the site supervisors in making transfers or other arrangements.

During the course of the program, sites may cease food service operations on either a temporary or permanent basis. Also, new sites may be authorized to participate in the SFSP. Site deletions and additions may necessitate changes in delivery routes and production levels, and will require the FSMC's cooperation. Sponsors are responsible for making sure the FSMC is informed of such changes.

Planning Delivery Routes (7 CFR 225.16(c)(5))

The FSMC must carefully plan delivery routes and schedules and should review them with the sponsor. Sites without adequate facilities for holding meals within the temperature ranges established by State or local health ordinances must receive all meals not more than one hour before the beginning of the meal service. Delivery personnel for FSMCs should become familiar with their routes before the SFSP begins to help avoid confusion. The FSMC or sponsor should evaluate and restructure the routes if deliveries for some sites are consistently late. The FSMC is responsible for ensuring that sufficient equipment is available to handle such changes (for example, additional trucks, refrigeration, etc.). Sponsors must plan a system for serving meals when the weather is bad or for canceling meal deliveries and service at sites lacking sheltered facilities. The FSMC should be notified of these contingency plans.

Communication

Good communication is essential for smooth program operations. Even with good management and good intentions, complaints about the food service can arise. FSMCs and sponsors should establish a system for communicating and resolving complaints. Experience indicates that problems can be most efficiently resolved when both the sponsor and the FSMC designate officials to receive and respond to suggestions and complaints.

Reimbursement (7 CFR 225.6(h)(2)(ix))

The FSMC should understand that the sponsor must pay for meals delivered by the FSMC in accordance with the contract. State agencies and USDA are not parties to such contracts. Federal reimbursement to sponsors is based solely upon the number of complete meals that are properly served to eligible children. Therefore, if sponsors do not meet their responsibilities (such as ensuring that meals are served as a unit), meals must be disallowed. Although the sponsor remains contractually liable for the number of meals delivered in accordance with the contract, the FSMC should make sure that it is informed of any sponsor disallowances made by the State agency.



Administrative Reviews (7 CFR 225.7(d)(6) and (e))

During the course of the program, the State agency will conduct administrative reviews of the sponsor's program operations. The reviews are designed to ensure that the sponsor's overall program is operating according to requirements. The results of these reviews may affect the amount of reimbursement a sponsor will receive and the payment to the FSMC. The FSMC should designate an official to be familiar with the total program, particularly with the sponsor's responsibilities. For example, in addition to reading the SFSP regulations, this guide, and other aids for the sponsor, the FSMC's representatives may want to attend training sessions arranged by sponsor for food service personnel.

Sponsor Disallowances (7 CFR 225.11(d) and (e))

If the State agency disallows meals for any of the following reasons, the sponsor is still responsible for paying the FSMC:

- excess meals, which are a result of failure to plan and prepare, or order and adjust, meal orders with the objective of providing only one meal per child at each meal service;
- allowing meals to be eaten off-site;
- failure to serve meals as a unit;
- claiming meals served to adults;
- serving meals outside the approved timeframes; and
- serving meals in excess of approved levels.

Food Service Management Company Disallowances (7 CFR 225.6(h)(2) and (3))

Violations that would cause disallowances in the FSMC's payment from the sponsor's reimbursement are:

- delivering meals that are not unitized;
- delivering meals that are wholly or partially spoiled;
- delivering meals outside the designated delivery times;
- delivering meals with components that are less than the required size or weight;
- delivering meals that are missing components; and
- changing menus or substituting components without the sponsor's

prior approval.

Default of Contract

A sponsor should ensure that the FSMC contract contains a default or termination clause that allows the sponsor to terminate the contract if the FSMC does not comply with the contract terms. The sponsor will notify the FSMC (and surety company, if a performance bond is in effect) of specific instances of unsatisfactory performance. If the FSMC does not immediately take corrective action, the sponsor may request the surety company to provide another FSMC, or the sponsor may negotiate another contract. The sponsor can negotiate this other contract on a competitive or non-competitive basis. The clause should state that the defaulting FSMC (or surety company if applicable) is liable for any difference in price between the original price and the new contract price.

Use of Small and Disadvantaged Businesses

(7 CFR 225.17(d), 7 CFR 3016, and 7 CFR 3019)

Sponsors are encouraged, whenever possible, to procure services from minority business enterprises, small businesses, or women's-owned businesses on solicitation lists. If it is economically feasible, sponsors may wish to divide their total procurement into smaller tasks or quantities to encourage participation by such entities.

A minority business is a business in which the management and daily operations are controlled by a member or members of a minority group. Such minority groups include Blacks or African Americans, Hispanics or Latinos, American Indians or Alaskan Natives, Asians, Native Hawaiian or other Pacific Islanders.

Assistance Provided By The Small Business Administration

(7 CFR 225.17(d)(5))

The Small Business Administration (SBA) is an independent Federal agency established to provide assistance to all small businesses. The SBA provides prospective, new, and established members of the small business community with financial assistance, management training, and counseling. SBA's policy is to extend the fullest opportunity for minorities and disadvantaged people to participate in the small business sector. For more information about the SBA and its services, visit the web site at www.sbaonline.sba.gov.

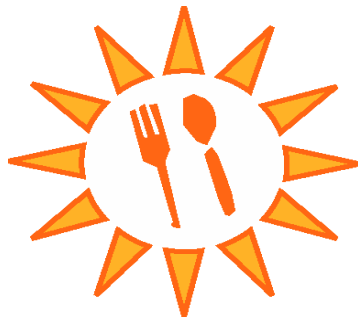
The SBA may be able to help minority-owned and disadvantaged FSMCs/commercial meal vendor improve or develop their businesses in the following areas.

- **Financial Assistance:** FSMCs that need money and cannot borrow it on reasonable terms from conventional lenders may be able to get assistance from the SBA's loan programs. However, by law, the SBA may not make a loan if a business is able to obtain funds from a bank or other private source. The SBA may either participate with

a bank or other lender in a loan, or it may guarantee up to 90 percent of a loan against loss. If the bank or other lender cannot provide funds using either of these methods, the law provides that the SBA can consider lending the entire amount as a direct government loan, if the funds are available. The SBA loans may be used to help FSMCs purchase equipment, facilities, and supplies.

- **Surety Bonds:** Under the SFSP, FSMCs that submit bids over \$100,000 and that enter into a food service contract for over \$100,000 must obtain bid and performance bonds. The SBA makes the bonding process accessible to small and emerging contractors that find bonding unavailable to them. The SBA is authorized to guarantee a qualified surety up to 90 percent of losses incurred under bid payment bonds. The SBA can also guarantee performance bonds that are issued to contractors on contracts up to \$1 million. FSMCs that anticipate problems in obtaining bid and performance bonds for the SFSP may contact the SBA for assistance.
- **Management and Counseling Assistance:** The SBA places special emphasis on improving the management ability of small business owners and managers. Accordingly, small business specialists may be able to assist minority-owned FSMCs with their management problems. They also may provide counseling on the problems or concerns FSMCs may have in meeting requirements for the SFSP.

Minority-owned FSMCs should contact SBA's nearest field office for prompt assistance.



Part III Questions and Answers

1. Are there any advantages to obtaining meals from an SFA?

Sponsors are encouraged to contact the local SFA about the possibility of obtaining meals under a written agreement with a school. Using the facilities of local public or private schools to prepare or obtain meals offers sponsors several advantages. These schools often prepare large numbers of meals during the school year and already have the facilities and staff for such a service. Many schools are also accustomed to preparing meals that meet USDA requirements if they participate in other child nutrition programs.

2. Can I contract out any of my management responsibilities?

Sponsors may not contract out certain management responsibilities of the SFSP such as monitoring, staff training, enforcing corrective action, or preparing program applications and claims for reimbursement. Sponsors remain legally responsible for seeing that the food service operation meets all requirements specified in the agreement they sign with the State agency.

3. What type of information do I need to provide to FSMCs when I invite them to bid on my contract?

Sponsors will need to include a list of proposed site names, addresses, delivery locations, times of meal service, and days of operation. Also include a cycle menu that lists the types and amount of food in each meal, a copy of the meal pattern requirements and minimum food specifications and model meal quality standards. Sponsors will need to ensure that the companies they plan to contract with provide “unitized” meals. Also, sponsors must carefully estimate the number of meals needed each day because a sizable difference between estimated and actual participation can increase or decrease the FSMC’s unit production cost. In addition, sponsors must clarify that commodities will be received only if the vendor is a school or school district, or if the sponsor is a SFA that procures its meals from the same FSMC that currently provides NLSP meals.

4. Do commercial FSMCs that I contract out with need to be registered with the State agency?

It depends. Commercial FSMCs are no longer required by Federal law to register with the State agency. However, States may continue to require their own registration procedures. This policy gives State agencies flexibility in managing the SFSP. Some State agencies have found the registration process to be beneficial and continue to require it.

5. Are there certain requirements FSMCs need to fulfill?

Yes. FSMCs must have State or local health certificates for the facilities they use to prepare meals for the SFSP and they must ask local health authorities or independent agencies to periodically inspect the meals they serve to determine bacteria levels. Further, companies must maintain records supported by invoices, receipts, or other evidence that demonstrates program responsibilities are met. These records must be kept by the companies for at least three years from the date of receipt of final payment under the contract. In addition, these types of companies may not subcontract with another company for the total meal or for assembling the meal because this will inflate costs and lessen control of the quality and supply of the meals.

6. To whom do I award the contract?

Sponsors should award the contract to the responsive and responsible bidder whose per meal bid was lowest in price. Responsive bidders would be considered those whose bids conform to all of the terms, conditions, and requirements of the Invitation For Bid. Sponsors are encouraged to use the services of minority-owned companies and should consult local and State authorities regarding the applicability of preference and set-aside provisions. For bids totaling \$100,000 or more, or to select a bid that is not the lowest bid, sponsors must first receive State agency approval before acceptance.

This requirement should not be interpreted to allow sponsors the ability to arbitrarily award the contract other than to the lower price responsible bidder whose bid conforms to all the material terms and conditions of the solicitation. Additionally, in situations where a sponsor wishes to disallow the bid of a previous management company due to poor performance, the sponsor should bring forth documentation of specific incidents and deficiencies, correspondences regarding these matters, and any requests for corrective actions or resolution. This documentation should clearly demonstrate why the award to this specific contractor would not be in the best interest of the sponsor, or the SFSP.

7. Is it possible for an organization such as a college or university to have year-round contracts that provide meal service for the SFSP in conjunction with other on campus meal services?

Yes. This arrangement can work provided the scope of the SFSP meal service is included in the original solicitation (i.e., RFP/IFB) and the resulting contract.